

PANAMA CITY BEACH CITY COUNCIL

AGENDA

NOTE: AT EACH OF ITS REGULAR OR SPECIAL MEETINGS, THE CITY COUNCIL ALSO SITS, EX-OFFICIO, AS THE CITY OF PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY AND MAY CONSIDER ITEMS AND TAKE ACTION IN THAT LATTER CAPACITY.

MEETING DATE: AUGUST 8, 2019
MEETING TIME: 5:00 P.M.

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION – COUNCILMAN CHESTER
- III. PLEDGE OF ALLEGIANCE – COUNCILMAN CHESTER
- IV. COMMUNITY ANNOUNCEMENTS
- V. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JULY 25, 2019
- VI. APPROVAL OF AGENDA, AND ADDITIONS OR DELETIONS
- VII. PRESENTATIONS – COUNCILMAN CHESTER
 - 1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD
 - 2 ADVANCED COMMUNICATION INFORMATION SYSTEM – JAMES WHITE
- VIII. PUBLIC COMMENTS – REGULAR (NON-PUBLIC HEARINGS) & CONSENT ITEMS ONLY (LIMITED TO THREE MINUTES)
- IX. CONSENT AGENDA
 - 1 **RESOLUTION 19-118, JOINT WORKSHOP TO DISCUSS BEACH SAFETY.** *“A Resolution of the City of Panama City Beach, Florida, authorizing the City Council to participate in a joint meeting with the Bay County Board of Commissioners and the Bay County Tourist Development Council to discuss matters of mutual interest related to beach safety.”*
 - 2 **RESOLUTION 19-119, ACCOUNTING SOFTWARE.** *“A Resolution of the City of Panama City Beach, Florida approving an agreement with CentralSquare Technologies for updated accounting software and professional services in an amount not to exceed \$18,172.96.”*
 - 3 **RESOLUTION 19-124, SHORT STREET ROAD CLOSURE.** *“A Resolution of the City of Panama City Beach, Florida authorizing temporary closure of a portion of Short Street on Monday, August 12, 2019, for the installation of underground utilities.”*
- X. REGULAR AGENDA - DISCUSSION/ACTION

NO.	OFFICIAL	ITEM
1	MG	ORDINANCE 1493, SPECIAL EVENT MUNICIPAL SERVICES, 2ND READING, <u>PUBLIC HEARING</u>, AND ADOPTION.
2	MG	ORDINANCE 1494, BEACH SAFETY, 2ND READING, <u>PUBLIC HEARING</u>, AND ADOPTION.
3	DC	RESOLUTION 19-123, CRA CHANGE ORDER #20 TO GAC CONTRACTORS, INC. AGREEMENT, RELATING TO RED ASPHALT FOR FRONT BEACH ROAD SEGMENT 2 REDEVELOPMENT PROJECT.
4	MG	RESOLUTION 19-125, SALE OF MULTI-MODAL FACILITY – ADDENDUM #2.

5 DC RESOLUTION 19-126, NEAR TERM WORKPLAN FOR CRA.

XI. **DELEGATE AND STAFF REPORTS**

1 **DELEGATIONS.** In accordance with the City Council's rules and procedures, residents or tax-collectors of the City (upon any subject of general or public interest), City employees (regarding his/her employment), and water and sewer customers (on matters related to the City's water and/or sewer system), may address the City Council under Delegations on items not on the printed agenda by filling out a speaker card. Speaker cards are located inside the Council meeting room and should be provided to the City Clerk. Please observe the time limit of three (3) minutes while speaking under Delegations. Delegations shall be limited to thirty (30) minutes unless extended by the Chair.

2 **ATTORNEY REPORT.**

3 **CITY MANAGER REPORT.**

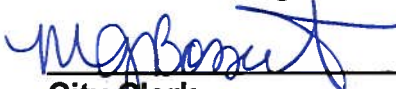
4 **COUNCIL COMMENTS.**

5 **ADJOURN.**

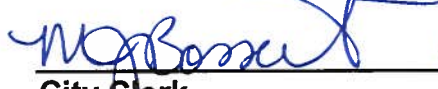
***Action items noted with an asterisk are taken both by the City Council and the Panama City Beach Redevelopment Agency jointly and concurrently.**

PAUL CASTO	<u> X </u>	PAUL CASTO	<u> X </u>
PHIL CHESTER	<u> X </u>	PHIL CHESTER	<u> X </u>
GEOFF MCCONNELL	<u> X </u>	GEOFF MCCONNELL	<u> X </u>
HECTOR SOLIS	<u> X </u>	HECTOR SOLIS	<u> X </u>
MIKE THOMAS	<u> X </u>	MIKE THOMAS	<u> X </u>

I certify that the Council members listed above have been contacted and given the opportunity to include items on this agenda.

 8.5.19
City Clerk Date

I certify that the Council members listed above have been contacted and made aware of the items on this agenda.

 8.5.19
City Clerk Date

IN AN EFFORT TO CONDUCT YOUR COUNCIL MEETINGS IN AN ORDERLY AND EXPEDIENT MANNER, WE RESPECTFULLY REQUEST THAT YOU WAIT UNTIL THE CHAIR RECOGNIZES YOU TO SPEAK, THEN COME TO THE PODIUM AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

E-mailed to interested parties and posted on the website on: 08/05/19 4 p.m.

NOTE; COPIES OF THE AGENDA ITEMS ARE POSTED ON THE CITY'S WEBSITE

WWW.PCBGOV.COM

THIS MEETING WILL BE LIVE-STREAMED ON THE CITY WEBSITE AND CITY FACEBOOK PAGE "CITY OF PANAMA CITY BEACH-GOVERNMENT".

NOTE: ONE OF MORE MEMBERS OF OTHER CITY BOARDS MAY APPEAR AND SPEAK AT THIS MEETING.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at the meeting, if an appeal is available, such person will need a record of the proceeding, and such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. Sec. 286.0105, FS (1995)

DRAFT
MINUTES

The Regular Meeting of the City Council of the City of Panama City Beach, Florida, and when permitted or required by the subject matter, the Panama City Beach Community Redevelopment Agency, held on July 25, 2019.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

PAUL CASTO

PHIL CHESTER

GEOFF MCCONNELL

HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

MARY JAN BOSSERT

CITY ATTORNEY:

AMY MYERS

Mayor Thomas called the Regular Meeting to order at 9 a.m. with all Councilmen, the City Manager, City Clerk, and City Attorney present.

Councilman Casto gave the invocation and led the Pledge of Allegiance.

Mayor Thomas announced the upcoming Community Events. He explained Andy Gonsalves, Realtor for Counts Real Estate, donated his recent commission check due from his aide in acquiring land for the City to the Parks & Recreation Department to enhance the lot on Escanaba. The Mayor applauded Mr. Gonsalves' commitment to the City.

The Minutes of the Regular Meeting of June 27, 2019, City Council and Planning Board Workshop of June 27, 2019, Special Meeting of July 11, 2019, and Regular Meeting of July 1, 2019 were read. **Councilman Chester made the motion to approve the Minutes as written. Second was by Councilman McConnell and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

Mayor Thomas asked if there were any additions or deletions to the Agenda. There were none. **Councilman Chester made the motion to approve the agenda as written. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

PRESENTATIONS

1 **“DUCK RACE FOR BEACH CARE SERVICES” PRESENTATION.** Councilman Casto welcomed Talena Grawburg, Vice-President of Beach Care Services, and Lacey Maxwell, Duck Race Chair, to the podium as he read the proclamation declaring August 2019 as “Beach Care Services Month”. He presented the Proclamation to Ms. Grawburg honoring the organization for their efforts in “helping locals help locals”. Ms. Maxwell stated the Duck Race will be held on August 6, 2019, at Laketown Wharf, benefiting locals through Beach Care Services. The audience responded with applause.

2 **“PARKS AND RECREATION MONTH” PROCLAMATION & PRESENTATION TO JIM PONEK.** Councilman Casto welcomed Jim Ponek to the podium as he read the proclamation declaring July 2019 as “National Park & Recreation Month”. The audience responded with applause.

3 **PARKS AND RECREATION DEPARTMENT UPDATE.** Mr. Ponek gave a PowerPoint presentation on the Parks & Recreation Department. He explained the divisions within the department and introduced his staff from each division. He thanked all department heads that help the department run smoothly. He explained the department has 37 full-time employees and approximately 70 part-time employees.

Mr. Gisbert noted many of the unseen tasks that keep the City’s parks and facilities clean and well-run and expressed his thanks. Each Council Member expressed their gratitude to the department for a job well done.

4 **RESIDENTS OF HOMBRE GOLF COURSE ON PROPOSED FUTURE CONSTRUCTION.**

Burt Hinson – 111 Glades Turn. Mr. Hinson spoke against future development on or around Glades Turn due to drainage issues. He explained the lengths that some residents have taken to remedy the flooding issues in their area. He argued that any future development will exacerbate the issue.

Anna Costine – 117 Glades Turn. Ms. Costine spoke against future development in the Glades neighborhood. She alleged she is being discriminated against based upon the size of her property. She presented a model to show the height of the rumored townhouse development near her property. She requested the Council change the Building Code and setbacks between her property and neighboring parcels, to make certain future development spares trees, has plenty of green space, and solves the drainage problems before any new development is approved.

Tim Sloan – Mr. Sloan, a local attorney, spoke as representative of a group of property owners abutting rumored development in the Glades neighborhood. Mr. Sloan asserted that inconsistencies of the land uses create concerns about safety and privacy, and that the dwarfing of the single-family residences will diminish their property value. He proposed the Council review the setback of any new development, amend the Land Development Code where there are two inconsistent properties and look at the allowable height. He asked the Council to be proactive in how the concerns are addressed.

Councilman Casto directed staff to review the Land Development Code and see if increased buffering could provide a solution to the residents’ concerns. Councilman Solis agreed and commented the drainage issue is a concern. Councilman Solis questioned whether the residents had any claim to property by adverse possession.

PUBLIC COMMENTS (REGULAR NON-PUBLIC HEARINGS AND CONSENT ITEMS)

Mayor Thomas opened the Public Comments section of the meeting at 10:08 a.m. and invited comments.

Alisha Redmon – 5353 Jenkins Road. Ms. Redmon stated she did not believe that beach vendor employees should be required to open water lifeguards because those employees have too many duties and can't focus on swimmers. She commented that education is important and was surprised that the Tourist Development Council does not contribute more.

Stan LeCain – 14104 Pelican Street. Mr. LeCain thanked Ms. Prue Pool for the survey that shown 300 saves have been done by surfers in the last decade. He requested to add paddleboarders and kite surfers to the Ordinance. He requested the definition of a surfboard be updated. He explained a surfboard is made of Fiber Reinforced Plastic; a surfboard is not a Styrofoam board that could be picked up at any retail store on the beach.

Elsa Figueroa – 4117 Lookout Street. Ms. Figueroa suggested to stop allowing floatables on the beach, it is dangerous. She commented tourists need to be educated on the flag system. She commented every access point needs a lifeguard tower. She questioned what is being done to warn people of the flesh-eating bacteria at Access Point 35.

Gary Beck – 1441 Front Beach Road. Mr. Beck stated he invented a surf rescue system in 2012, and the invention was illegally seized from his property.

With nothing further, Mayor Thomas closed the Public Comments at 10:20 a.m.

CONSENT AGENDA

Ms. Bossert read the Consent Agenda Items by title.

ITEM 1 “NATIONAL KOREAN WAR VETERANS ARMISTICE DAY” PROCLAMATION. *“A Proclamation honoring July 27th as “National Korean War Veterans Armistice Day” in Panama City Beach.”*

ITEM 2 RESOLUTION 19-112, BID AWARD – FRANK BROWN PARK LIGHTING PROJECT. *“A Resolution of the City of Panama City Beach, Florida, approving an agreement with M. Gay Constructors, Inc. related to the Frank Brown Park Lighting Project in the amount of \$1,185,900.”*

ITEM 3 RESOLUTION 19-113, BID AWARD – SEA OATS DRAINAGE IMPROVEMENTS – PHASE 2. *“A Resolution of the City of Panama City Beach, Florida approving an agreement with Utility Solutions Group, LLC related to the Sea Oats Drainage Improvements Phase 2 in the amount of \$432,610.”*

Councilman Casto made the motion to approve the Consent Agenda. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:

Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

REGULAR AGENDA

ITEM 1 RESOLUTION 19-108, APPROVAL OF PROFESSIONAL SERVICES FOR RIGHT-OF-WAY ASSESSMENT & BUDGET AMENDMENT #47. Ms. Myers read Resolution 19-108 by title. There were no comments.

Councilman McConnell made the motion to approve Resolution 19-108. Second was by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:

Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

ITEM 2 RESOLUTION 19-114, SPECIAL EVENTS RATES. Ms. Myers read Resolution 19-114 by title. She explained this Resolution requests the Council to set rates so that future special event municipal services can begin working under this new system. Mayor Thomas stated the amounts are more than normally charged. Chief Whitman explained the employees are tasked every weekend and cannot be forced to work special events. Chief Couch stated getting the employees to volunteer is hard, we need to entice them and that all areas are charging double the proposed fee. Councilman McConnell stated this may lead to the City no longer providing these services in favor of the private market. Councilman Solis stated that the professional services being provided by the police and fire department are below what other cities charge.

Councilman Solis made the motion to approve Resolution 19-114. Second was by Councilman McConnell and the motion passed by majority roll call vote recorded as follows:

Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Solis	Aye
Mayor Thomas	Nay

ITEM 3 RESOLUTION 19-115, AMENDING BUILDING AND PLANNING FEE SCHEDULE. Ms. Myers read Resolution No. 19-115 by title. There were no comments.

Councilman McConnell made the motion to approve Resolution 19-115. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:

Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

ITEM 4 RESOLUTION 19-116, SWIM TEAM (PCST) AGREEMENT. Ms. Myers read Resolution No. 19-116 by title. There were no comments.

Councilman McConnell made the motion to approve Resolution 19-116. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

ITEM 5 ORDINANCE 1494, BEACH SAFETY, 1ST READING. Ms. Myers read Ordinance 1494 by title. Ms. Myers asked for direction on signage requirements and clarification on an effective date. She explained there would need to be two effective dates, one would apply to Beach and Surf Patrol, the other to beach services and businesses. The Mayor asked if there were any questions or comments.

Councilman McConnell commented we need community effort for solving this issue. He explained he has spoken with several officials and businesses. He stated News Channel 13 agreed to run a public service announcement (PSA), and that hotels and condos have agreed to run the PSA on loops in their lobby. He suggested a flag system education form at check-in that shows the meaning of the flags. He suggested beach services have a double-sided board that displays the flag status and its meaning. He stated a benefactor has offered to donate 5 watercrafts to the Beach Safety Services. He also spoke with the TDC about their funding and the City receives \$485,000. He explained there are 8 seasonal positions currently and requested to hire an addition of 16 more, that comes to roughly a half of a million dollars. He commented this would be a small jump forward. He proposed finding a way to hire additional seasonal positions. He requested to remove the arrest provision from the Ordinance, elevate the penalty and remove the surf zone.

Councilman Solis applauded Councilman McConnell's research on the life safety issue. He favored allowing arrest when appropriate. He read a section of the Ordinance commemorating Mr. Stacey Redmon and agreed with Ms. Redmon's recommendations. He stressed the importance of education and suggested a buoy with a rope on each lifeguard tower. Chief Couch expressed his concern with providing throwable devices, as it would encourage others to attempt rescues. Councilman Chester asked Mr. Spivey for an opinion. He explained it is not a proper solution, it will give a false sense of security, properly trained lifeguards are the answer.

Councilman Solis suggested drones drop buoys. Councilman McConnell said wind would make drones unusable. Councilman Casto agreed that arrests are needed in the Ordinance. Councilman Casto explained he started his career as a lifeguard 42 years ago. He commented beach services cannot get enough help as it is, it is not the vendor's job to save lives. Councilman McConnell suggested a workshop with the City, County, and TDC for a long-term plan. Councilman Casto explained the lifeguards should be ocean water certified but not beach service vendors. He explained someone that is in distress may not be able to hang on to the buoy. Councilman Casto expressed a need to find a comprehensive solution.

Mayor Thomas commented that he spoke to several officials and was concerned that throwable devices would encourage dangerous behavior. He commented officials need to be able to make an arrest, it sets a bad precedent if there are no consequences. He stated bench vendors should be certified to protect vendors who voluntarily attempt

water rescues. **Councilman McConnell made a motion to schedule a joint workshop. Seconded by Councilman Casto.** All Council was in favor.

Councilman Solis made a motion to approve Ordinance 1494 with the modification of striking the requirement for beach services regarding open water certification, striking requirements for floatable devices, only requiring signage for beach businesses, incorporating the law enforcement aspect with the timeframe extended for businesses, redefining the term “surfboard”, and revising the civil penalties. Second was made by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:

Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

ITEM 6 CITY MANAGER HIRING PROCESS – DISCUSSION. Ms. Myers explained the Florida League of Cities will be a great resource for the City, but it does not itself assist cities with searches. She explained they suggested a Senior Advisor in the area who can assist the City Council in determining the kind of City Manager they are looking for. She commented the process will take approximately six months.

Councilman McConnell suggested a hybrid approach between a headhunter and a hiring committee made up of staff and they bring back to Council the top choices. He requested the new City Manager have previous City Manager experience with a larger city. Councilman Casto commented he spoke with the Florida League of Cities and they suggested the hybrid approach and to put a price limit on the search. Council agreed that amount does not exceed \$20,000.00.

Mayor Thomas commented we are hindered on who will apply due to the retirement system. He suggested offering a competitive pay package, like a 401K plan. He stated the City Manager needs to be offered more than one option. Ms. White explained every employee must be a part of the City pension plan, an addition to that plan can be offered. She explained she will research other options and that an exclusion of the City Manager may need to be changed by Ordinance.

Councilman McConnell made a motion not to exceed \$20,000 to enter a contract for combined search efforts from the firms recommended by the Florida League of Cities. Second was made by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:

Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Solis	Aye
Mayor Thomas	Aye

DELEGATIONS

Mayor Thomas explained the Delegations period and opened this portion of the meeting at 11:22 a.m.

1 Burnie Thompson, 17292 Front Beach Road. Mr. Thompson asked why the Mayor responded very negatively when asked if Mr. Gisbert would keep his salary as a regular employee. He discussed the history of Mr. Gisbert's initial hire and requested assurance that this new Council will heed the advice of its advisors.

2 Michael Knapp – 145 Glades Turn. Mr. Knapp read the Bert Harris Act, a property rights protection act.

3 June Kennedy – 105 Glades Turn. Ms. Kennedy thanked the Council and City Staff for all their hard work. She requested the Council to consider the Glade owners when they receive plans for the new development. She commented they are not objecting to the development but would like single-family homes in place of multi-family.

4 Bill Caravello – 407 Dolphin Street. Mr. Caravello mentioned that the local firefighters were featured in the pickleball magazine. He inquired about the status of the expansion of the pickleball courts.

5 Roland Costine – 117 Glades Turn. Mr. Costine explained he invited the Code Enforcement Manager to the meeting; he was not present. He asked Mr. Gisbert to take note of his contact information because he did not receive a return call. He stated he has called and made verbal complaints about Hombre Golf Course vegetation overgrowth. He stated codes and the rules need to be followed and alleged that the Hombre is receiving special treatment.

6 Gary Beck – Front Beach Road. Mr. Beck started to speak, and Mayor Thomas explained he did not put his requests in writing and was asked to leave the podium.

With no further comments, Mayor Thomas closed the Delegations period at 11:36 a.m.

Mayor Thomas explained he was upset at the last meeting because the same person attends the meetings to criticize every Council Member with no facts and has never offered a solution to any issues. He commented this is the first time he heard a complaint for Hombre Golf Course. He stated he has received calls requesting not to touch it. Councilman Solis explained the Bert Harris act cannot change the rules and both sides to this issue deserve protection.

ATTORNEY REPORT

Ms. Myers stated she had no report.

CITY MANAGER REPORT

Mr. Gisbert read the open bids and available jobs. He explained there is a vacancy on the Fire Fighters Pension Board and is appointed by Council. He asked for direction on advertising. The Council agreed to advertise the vacancy.

COUNCIL COMMENTS

Councilman Casto had no comments.

Councilman Chester addressed the pickleball issue and explained with speaking with Mr. Poniek there is room for 6 additional courts at the Lyndell Center, more will be discussed during the budget workshops. He commented the Glade residents should suggest single-family homes to the landowner instead of townhomes.

Councilman Solis stated Ms. Redmon is trying to do big things and encouraged others to become involved in the effort to enhance beach safety. He gave an update on the latest TPO meeting where the trolley lane will start in September for CRA Segment 2. He

thanked Ms. Jenkins for her work on the technical review. He commented Highway 98 has been re-designated as a Strategic Intermodal System (SIS) and will put us in a different category. He commented the CRA segments are moving ahead. He suggested looking at an increase in the buffer zones at the Glades.

Councilman McConnell had no comments.

Mayor Thomas announced Hand Made Moments are playing at the Concert Series at Aaron Besant Park this evening.

With nothing further, the meeting was adjourned at 11:47 a.m.

READ AND APPROVED this 8th of August, 2019.

IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.

Mayor

ATTEST:

City Clerk

PRESENTATION

1

CITY OF PANAMA CITY BEACH

CIVIC ACHIEVEMENT AWARD

Be It Known That

Anthony Bradbury

HAS GIVEN EXCEPTIONAL SERVICE

**TO THE BOYS AND GIRLS CLUB
OF PANAMA CITY BEACH**

For the responsibility assumed, for the unselfish service rendered his community and its citizens in discharging the duties of good citizenship, this token of CIVIC ACHIEVEMENT is hereby awarded.

Presented this 8th of August, 2019



A handwritten signature in blue ink, which appears to read "Mike Thomas", is written over a horizontal line.

MAYOR MIKE THOMAS

CONSENT ITEM

1



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:
LEGAL

2. MEETING DATE:
AUGUST 8, 2019

3. REQUESTED MOTION/ACTION:
APPROVE RESOLUTION TO HOLD JOINT MEETING WITH BAY COUNTY COMMISSIONERS AND TOURIST DEVELOPMENT COUNCIL ON AUGUST 13 AT 1PM

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

<input type="checkbox"/>
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<input type="checkbox"/>

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? Yes No N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED Yes No N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)
AT ITS JULY 25, 2019 MEETING THE COUNCIL DIRECTED STAFF TO COORDINATE A JOINT WORKSHOP WITH THE BAY COUNTY BOARD OF COMMISSIONERS, TOURIST DEVELOPMENT COUNCIL, AND OTHER COMMUNITY PARTNERS TO DISCUSS BEACH SAFETY. THE SUNSHINE LAW REQUIRES PUBLICATION OF A NOTICE OF THE JOINT MEETING BETWEEN THE PUBLIC BODIES, WHICH STAFF HAS PREPARED AND TIMELY ADVERTISED. IN 2016, THE FLORIDA LEGISLATURE AMENDED SECTION 166.0213 TO EXPRESSLY AUTHORIZE JOINT MEETINGS AS SUCH ARE PRESCRIBED BY RESOLUTION. AS SUCH, THIS RESOLUTION IS PRESENTED TO FORMALIZE THE TIME, PLACE AND PURPOSE OF THE JOINT WORKSHOP REQUESTED BY COUNCIL.

STAFF RECOMMENDS APPROVAL.

A WORD OF NOTE: WHILE THE FLORIDA STATUTES AND THE CITY'S RULES OF PROCEDURE AUTHORIZE THE COUNCIL TO TAKE ACTION AT A JOINT MEETING AND WORKSHOP, FLORIDA STATUTE 125.001 EXPRESSLY PRECLUDES THE COUNTY FROM TAKING ACTION AT A JOINT WORKSHOP.

RESOLUTION NO. 19-118

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AUTHORIZING THE CITY COUNCIL TO PARTICIPATE IN A JOINT MEETING WITH THE BAY COUNTY BOARD OF COMMISSIONERS AND THE BAY COUNTY TOURIST DEVELOPMENT COUNCIL TO DISCUSS MATTERS OF MUTUAL INTEREST RELATED TO BEACH SAFETY.

WHEREAS, the City Council desires to hold a joint meeting with the Bay County Board of Commissioners and Bay County Tourist Development Council to discuss and plan matters of mutual interest related to beach safety; and

WHEREAS, Section 166.0213, Florida Statutes, authorizes municipalities to hold joint meetings to receive, discuss and act upon matters of mutual interest with the governing body of the county within which the municipality is located at such time and place as shall be prescribed by ordinance or resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Bay County, Florida, that:

Section 1. Pursuant to Section 166.0213, Florida Statutes, the City Council is hereby authorized to participate in a joint meeting with the Board of County Commissioners for Bay County and the Tourist Development Council on August 13, 2019, at 1:00 p.m., at the Lyndell Conference Center at 423 Lyndell Lane, Panama City Beach, Florida 32407, to discuss matters of mutual interest related to beach safety.

Section 2. Notice of this meeting shall be duly advertised and official minutes shall be taken.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED in special session this ____ day of _____, 2019.

CITY OF PANAMA CITY BEACH

By: _____
Mike Thomas, Mayor

Resolution 19-118
CONSENT
AGENDA ITEM # 1

ATTEST:

Mary Jan Bossert, City Clerk

Resolution 19-118
CONSENT
AGENDA ITEM # 1

CONSENT ITEM

2



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:
Administration / Holly White, Finance

2. MEETING DATE:
August 8, 2019

3. REQUESTED MOTION/ACTION:

Staff requests approval to add the accounts receivable module to the existing accounting software utilized by the City.

4. AGENDA

- PRESENTATION
- PUBLIC HEARING
- CONSENT
- REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES NO N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

Since the City took over the administration of its Code Enforcement program previously performed by the Bay County Clerk of Court, we have been exploring options to streamline both the calculation of civil penalties and the accounting for the collection of the fines and related penalties associated with the citations issued by Code Enforcement. After exploring several options, we determined that we would like to utilize the accounts receivable module associated with the City's current software program. The module can be utilized for other miscellaneous City billing functions as well. Although the program and related training is not specifically budgeted in FY 2019, no amendment is necessary at this time. It is likely that the implementation and training will not be completed until sometime early in FY 2020. The cost of the module and related training has been included in the FY 2020 budget. STAFF recommends approval of the agreement with Central Square.

RESOLUTION NO. 19-119

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING AN AGREEMENT WITH CENTRALSQUARE TECHNOLOGIES FOR UPDATED ACCOUNTING SOFTWARE AND PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$18,172.96.

WHEREAS, in January 2019, the City took over administration of its Code Enforcement program previously performed by the Bay County Clerk of Court; and

WHEREAS, staff has determined that the City's existing software is insufficient to efficiently monitor and account for civil penalties issued and corrected, but that an accounting module is available from the City's same software provider that presently serves the City's utility and finance departments; and

WHEREAS, the City is well satisfied with the quality of the Naviline accounting software used by the City's finance and utility departments since 2005, and finds that the addition of a module created and supported by that same software provider will ensure ease and compatibility of use among City users and departments; and

WHEREAS, the software purchase is within the City Manager's authority but the professional services accompanying the purchase of those goods exceeds the City Manager's authority; and

WHEREAS, the City finds the provision of service cannot and should not be separately bid; and

WHEREAS, the Charter provides that contracts for professional services may be entered into without competitive bidding upon approval of the City Council.

NOW THEREFORE BE IT RESOLVED THAT the appropriate officers of the City are authorized to execute and deliver on behalf of the City that certain Agreement between the City and CentralSquare Technologies for accounting software and professional services in an amount not to exceed Eighteen Thousand, One Hundred, Seventy-Two Dollars and Ninety-Six Cents (\$18,172.96) on substantially the terms and conditions set forth in the quote attached hereto as Exhibit A and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such agreement shall be conclusive evidence of such approval.

THIS RESOLUTION shall become effective immediately upon passage.

PASSED, APPROVED, AND ADOPTED in special session this ____ day of _____, 2019.

CITY OF PANAMA CITY BEACH, FLORIDA

By _____
MIKE THOMAS, MAYOR

ATTEST:

MARY JAN BOSSERT, CITY CLERK

Superion, a CentralSquare Company

Add-On Quote

Quote Prepared For:

Jason Pickle, I.t. Specialist
 City of Panama City Beach
 110 S. Arnold Road
 PANAMA CITY BEACH, FL, 32413-2199
 (850) 233-5100 ext. 2324

Quote Number: Q-00013475 Valid Until:
 11/07/19

Quote Prepared By:

Keegan Wetzel, Associate Account Manager
 CentralSquare Technologies
 1000 Business Center Drive
 Lake Mary, FL 32746
 Phone: +14073043058 Fax:
keegan.wetzel@centralsquare.com

Date: 08/02/19

Thank you for your interest in our company and our software and services solutions. Please review the below quote and feel free to contact Keegan Wetzel with any questions.

Cloud/Hosted Fees

Product Name	Quantity	Amount
NaviLine Accounts Receivable	1	4,092.96
Total		4,092.96

Professional Services Training

Product Name	Amount	
NaviLine Financials Training	10,240.00	
Total		10,240.00

Project Management

Product Name	Amount	
NaviLine Financials Project Management	3,840.00	
Total		3,840.00

Total Professional Services 14,080.00

Summary

Product/Service	Amount
Cloud/Hosted Annual Access Fees	4,092.96
Professional Services	14,080.00
Subtotal	18,172.96 USD
Total	18,172.96 USD

See Product notes in the Additional Information Section

Payment terms as follows, unless otherwise notated below for Special Payment Terms by Product:

Do not pay from this form. Customer will be invoiced for the fees set forth after execution.

If applicable, annual Access, Subscription and/or Cloud/Hosting Fees will be invoiced annually after the initial term.

Maintenance Service and Support Fees (including third party products) are included with purchase for the initial term and will be invoiced annually after the initial term.

License, Start-up and Third Party software and/or hardware Fees are due at execution.

Training Fees and Travel Expenses are due as incurred. All other Professional Services will be Fixed Fee, due at execution.

Custom Modifications and Third Party Product Implementation Services fees are due 50% on execution of this Quote and 50% due upon invoice, upon completion.

Pricing for professional services provided under this quote is a good faith estimate based on the information available at the time of execution. The total amount may vary based on the actual number of hours of services required to complete the services. If required, additional services can be provided on a time and materials basis at CentralSquare's then-current hourly rates for the services at issue. For training and on-site project management sessions which are cancelled at the request of Customer within fourteen (14) days of the scheduled start date, Customer is responsible for entire price of the training or on-site project management plus incurred expenses.

Additional Terms:

This form constitutes a supplemental order and amendment to the existing Agreement (the "Agreement") by and between CentralSquare and Customer. Unless otherwise stated below, all terms and conditions as stated in the Agreement shall remain in effect.

Applicable taxes are not included, and, if applicable, will be added to the amount in the payment of invoice(s) being sent separately.

Travel expenses shall be governed by the CentralSquare Travel Policy.

CONSENT
AGENDA ITEM # 2

Preprinted conditions and any terms stated on purchase orders or other documents submitted hereafter by Customer are of no force or effect, and the terms and conditions of the Contract and Agreement and any amendments thereto shall control unless expressly accepted in writing by both parties.

If applicable, Third party hardware/software maintenance and any applicable warranty provisions will be provided by the third party manufacturer(s). The return and refund policy of each individual third party hardware/software supplier shall apply. In the event that a manufacturer changes any of these respective policies or prices, CentralSquare reserves the right to adjust this proposal to reflect those changes if they occur prior to execution.

Any shipping charges shown are estimated only and actual shipping charges will be due upon invoice, upon delivery. Delivery is defined as either a) electronic delivery, by posting it on CentralSquare's network for downloading, or similar electronic file transfer method, or (b) physical shipment, such as on a disc or other media transfer method. Physical shipment is on FOB- CentralSquare's shipping point, and electronic delivery is deemed effective at the time CentralSquare provides Customer with access to download the CentralSquare Solutions.

Jason Pickle, I.t. Specialist
City of Panama City Beach

Authorized Signature: _____

Printed Name: _____

Date: _____

Additional Information Section

Product Notes:

CONSENT
AGENDA ITEM # 2

CONSENT ITEM

3



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Public Works / Kelly Jenkins

2. MEETING DATE:

8/8/19

3. REQUESTED MOTION/ACTION:

Approve the temporary closure of Short Street for Sewer Installation for Alvin's Island #1 located at the NE corner of Short Street and Front Beach Road (14520 Front Beach Road)

4. AGENDA

PRESENTATION

PUBLIC HEARING

CONSENT

REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES NO
BUDGET AMENDMENT OR N/A

N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO

N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

Utilities Solutions, LLC is performing the Underground Utilities construction for Alvin's Island #1 located at 14520 Front Beach Road, at the intersection of Front Beach Road and Short Street.

Utilities Solutions, LLC cannot safely install the underground utilities across Short Street while safely maintaining one lane of traffic. They have requested permission of the City Council to temporarily close Short Street on 8/12/19 to perform this task.

Utilities Solutions, LLC provided the following narrative:

Short Street requires closing for the sewer to be installed and connection to be made from Alvin's Island #1 to the City's system. Construction will start at 7:00 AM and should be completed within 8-10 hours. The work will consist of saw-cutting the asphalt, excavating the road, installing the sewer pipe, connecting to the existing sewer, backfilling, compacting and repaving the street.

Contractor will be responsible for all Maintenance of Traffic.

Once approved the work will be scheduled to be performed with cooperation of Public Works, Police Department, and Fire Department.

Staff has provided the attached items from Utilities Solutions, LLC: Closure Letter to Public Works, Site Utilities Plan, and a Detour / MOT Plan.

UTILITY SOLUTIONS GROUP, L.L.C.

1667 State Hwy 83

DeFuniak Springs, FL 32433

Craig M. Thomas, Owner/Managing Member

Licenses: #CU057188

Telephone (850) 951-2670 / Fax (850) 951-2673

www.utilitysolutionsgroup.com

**ALVIN'S ISLAND #1
SHORT STREET CLOSURE REQUEST**

July 23, 2019

City of Panama City Beach
Public Works Department
116 S. Arnold Road
Panama City Beach, FL 32413

Attn: Wyatt Rothwell, Public Works Engineer
Subject: Short Street Closure

Wyatt:

Utility Solutions Group, LLC is providing the Underground Utilities on the rebuilding project for Alvin's Island #1 on Front Beach Road and Short Street. The building Sewer System is required to connect to the city system on Short Street. Attached is the Utility Plan indicating the Sewer Tie-in in the middle of Short Street. Short Street will require closing due to the narrowness between the properties and the unavailable space to provide a drive around lane while work is completed in the middle of the street. A Detour Plan/MOT Plan is attached showing the road closure signage locations, etc. The road will require closing for an 8-10 hour period to sawcut, excavate, run piping, connect to the existing sewer pipe, backfill, compact and repave the street. This will not require any night work as we intend on starting around 7:00 AM with completion at the end of the day. A narrative might include:

Short Street requires closing while the sewer from Alvin's Island #1 is installed and connected. Plans are to start the work at 7:00 AM and be complete 8-10 hours later or by the end of the day. The work will consist of Sawcutting the asphalt, excavating the road, installing the sewer pipe, connecting to the existing sewer, backfilling, compacting and repaving the street.

Please provide approval for this activity as soon as acceptable and the work will be scheduled to be performed with notification to your department as required. Thank you for your assistance.

Regards,



Michael (Mike) Tucker
Project Manager



SITE UTILITY DRAWING NOTES:

1. SEE SYMBOL LEGEND ON THIS SHEET FOR SYMBOL INFORMATION AND REFERENCED DETAILS.
2. ALL PROPOSED UTILITIES SHALL BE PLACED UNDERGROUND.
3. ALL SEWER LINES TO BE RECEIVED TO THE CITY OF PANAMA CITY BEACH SHALL BE VIDEO RECORDED AND PLACED ON A DIGITAL MEDIA (NO TAPES) VIDEO MUST BE REVIEWED AND APPROVED BY THE CITY.
4. CONTRACTOR SHALL PROVIDE MANUAL CARROLL ENGINEERING, INC. FIVE (5) FEET AND ONE (1) DIGITAL COPY (AUDIOVISUAL FORMAT) OF ALL UTILITIES DRAWINGS OF THE COMPLETED PROJECT. DRAWINGS SHALL BE PREPARED AND SIGNED & SEALED BY A FLORIDA REGISTERED SURVEYOR.
5. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CALL SUBMIT ONE AT #11 FOR UTILITY LOCATED PRIOR TO CONSTRUCTION.
6. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL CONDITION AND SIGNED FOR FOOT INCHES TO.
7. CONNECT TO EXISTING GRAVITY MAIN.

SYMBOL LEGEND

- 8" WATER MAIN SCHEDULE 40
- 6" WATER MAIN SCHEDULE 40
- 4" WATER MAIN SCHEDULE 40
- 3" WATER MAIN SCHEDULE 40
- 2" WATER MAIN SCHEDULE 40
- 1" WATER MAIN SCHEDULE 40
- 8" WATER MAIN SCHEDULE 20
- 6" WATER MAIN SCHEDULE 20
- 4" WATER MAIN SCHEDULE 20
- 3" WATER MAIN SCHEDULE 20
- 2" WATER MAIN SCHEDULE 20
- 1" WATER MAIN SCHEDULE 20
- 8" WATER MAIN SCHEDULE 10
- 6" WATER MAIN SCHEDULE 10
- 4" WATER MAIN SCHEDULE 10
- 3" WATER MAIN SCHEDULE 10
- 2" WATER MAIN SCHEDULE 10
- 1" WATER MAIN SCHEDULE 10
- 8" WATER MAIN SCHEDULE 5
- 6" WATER MAIN SCHEDULE 5
- 4" WATER MAIN SCHEDULE 5
- 3" WATER MAIN SCHEDULE 5
- 2" WATER MAIN SCHEDULE 5
- 1" WATER MAIN SCHEDULE 5

NO.	SIZE	TYPE
1	8"	WATER MAIN SCHEDULE 40
2	6"	WATER MAIN SCHEDULE 40
3	4"	WATER MAIN SCHEDULE 40
4	3"	WATER MAIN SCHEDULE 40
5	2"	WATER MAIN SCHEDULE 40
6	1"	WATER MAIN SCHEDULE 40
7	8"	WATER MAIN SCHEDULE 20
8	6"	WATER MAIN SCHEDULE 20
9	4"	WATER MAIN SCHEDULE 20
10	3"	WATER MAIN SCHEDULE 20
11	2"	WATER MAIN SCHEDULE 20
12	1"	WATER MAIN SCHEDULE 20
13	8"	WATER MAIN SCHEDULE 10
14	6"	WATER MAIN SCHEDULE 10
15	4"	WATER MAIN SCHEDULE 10
16	3"	WATER MAIN SCHEDULE 10
17	2"	WATER MAIN SCHEDULE 10
18	1"	WATER MAIN SCHEDULE 10
19	8"	WATER MAIN SCHEDULE 5
20	6"	WATER MAIN SCHEDULE 5
21	4"	WATER MAIN SCHEDULE 5
22	3"	WATER MAIN SCHEDULE 5
23	2"	WATER MAIN SCHEDULE 5
24	1"	WATER MAIN SCHEDULE 5

NO.	SIZE	TYPE
25	8"	WATER MAIN SCHEDULE 40
26	6"	WATER MAIN SCHEDULE 40
27	4"	WATER MAIN SCHEDULE 40
28	3"	WATER MAIN SCHEDULE 40
29	2"	WATER MAIN SCHEDULE 40
30	1"	WATER MAIN SCHEDULE 40
31	8"	WATER MAIN SCHEDULE 20
32	6"	WATER MAIN SCHEDULE 20
33	4"	WATER MAIN SCHEDULE 20
34	3"	WATER MAIN SCHEDULE 20
35	2"	WATER MAIN SCHEDULE 20
36	1"	WATER MAIN SCHEDULE 20
37	8"	WATER MAIN SCHEDULE 10
38	6"	WATER MAIN SCHEDULE 10
39	4"	WATER MAIN SCHEDULE 10
40	3"	WATER MAIN SCHEDULE 10
41	2"	WATER MAIN SCHEDULE 10
42	1"	WATER MAIN SCHEDULE 10
43	8"	WATER MAIN SCHEDULE 5
44	6"	WATER MAIN SCHEDULE 5
45	4"	WATER MAIN SCHEDULE 5
46	3"	WATER MAIN SCHEDULE 5
47	2"	WATER MAIN SCHEDULE 5
48	1"	WATER MAIN SCHEDULE 5

REUSE WATER MAIN SCHEDULE

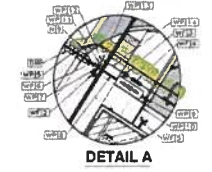
NO.	SIZE	TYPE
49	8"	WATER MAIN SCHEDULE 40
50	6"	WATER MAIN SCHEDULE 40
51	4"	WATER MAIN SCHEDULE 40
52	3"	WATER MAIN SCHEDULE 40
53	2"	WATER MAIN SCHEDULE 40
54	1"	WATER MAIN SCHEDULE 40
55	8"	WATER MAIN SCHEDULE 20
56	6"	WATER MAIN SCHEDULE 20
57	4"	WATER MAIN SCHEDULE 20
58	3"	WATER MAIN SCHEDULE 20
59	2"	WATER MAIN SCHEDULE 20
60	1"	WATER MAIN SCHEDULE 20
61	8"	WATER MAIN SCHEDULE 10
62	6"	WATER MAIN SCHEDULE 10
63	4"	WATER MAIN SCHEDULE 10
64	3"	WATER MAIN SCHEDULE 10
65	2"	WATER MAIN SCHEDULE 10
66	1"	WATER MAIN SCHEDULE 10
67	8"	WATER MAIN SCHEDULE 5
68	6"	WATER MAIN SCHEDULE 5
69	4"	WATER MAIN SCHEDULE 5
70	3"	WATER MAIN SCHEDULE 5
71	2"	WATER MAIN SCHEDULE 5
72	1"	WATER MAIN SCHEDULE 5

REUSE WATER MAIN SCHEDULE

NO.	SIZE	TYPE
73	8"	WATER MAIN SCHEDULE 40
74	6"	WATER MAIN SCHEDULE 40
75	4"	WATER MAIN SCHEDULE 40
76	3"	WATER MAIN SCHEDULE 40
77	2"	WATER MAIN SCHEDULE 40
78	1"	WATER MAIN SCHEDULE 40
79	8"	WATER MAIN SCHEDULE 20
80	6"	WATER MAIN SCHEDULE 20
81	4"	WATER MAIN SCHEDULE 20
82	3"	WATER MAIN SCHEDULE 20
83	2"	WATER MAIN SCHEDULE 20
84	1"	WATER MAIN SCHEDULE 20
85	8"	WATER MAIN SCHEDULE 10
86	6"	WATER MAIN SCHEDULE 10
87	4"	WATER MAIN SCHEDULE 10
88	3"	WATER MAIN SCHEDULE 10
89	2"	WATER MAIN SCHEDULE 10
90	1"	WATER MAIN SCHEDULE 10
91	8"	WATER MAIN SCHEDULE 5
92	6"	WATER MAIN SCHEDULE 5
93	4"	WATER MAIN SCHEDULE 5
94	3"	WATER MAIN SCHEDULE 5
95	2"	WATER MAIN SCHEDULE 5
96	1"	WATER MAIN SCHEDULE 5

PANAMA CITY BEACH UTILITY CONTACTS

WATER	CONTACT	
TELEPHONE	FLORIDA STATE ONE CALL	1-800-332-4178
ELECTRIC	QUEST POWER	1-904-672-3212
CABLE TV	CONTACT	1-904-769-0382
	BOB CARLIS	1-904-747-9129
WATER & SEWER	CITY OF PANAMA CITY BEACH	1-904-212-5100
	TODD REEDS GAS	1-904-672-6140
GAS	FLORIDA GAS TRANSMISSION	1-800-332-4178



PERMIT PURPOSES ONLY

SITE UTILITY PLAN
ALVINS ISLAND #1
14520 FRONT BEACH RD
PANAMA CITY BEACH, FLORIDA

<p>McNEIL CARROLL ENGINEERING, INC. PROFESSIONAL ENGINEERING CONSULTANTS STATE OF FLORIDA CERTIFICATE OF AUTHORIZATION #14989-7205</p>	<p>17900 Panama City Beach Parkway Panama City Beach, Florida 32413 Phone: 850-238-1700 Fax: 850-238-1701</p>
---	--

NO.	DATE	BY	REVISIONS
01			ISSUE FOR BIDDING
02			
03			
04			
05			
06			

STATE OF FLORIDA
 PROFESSIONAL ENGINEERING CONSULTANTS
 McNEIL CARROLL
 ENGINEERING, INC.
 STATE OF FLORIDA CERTIFICATE OF AUTHORIZATION #14989-7205
 EXPIRES 12/31/2011
 6 OF 12
 SHEET NUMBER
 4/2/10

RESOLUTION NO. 19-124

**A RESOLUTION OF THE CITY OF PANAMA CITY
BEACH, FLORIDA AUTHORIZING TEMPORARY
CLOSURE OF A PORTION OF SHORT STREET
ON MONDAY, AUGUST 12, 2019, FOR THE
INSTALLATION OF UNDERGROUND UTILITIES.**

WHEREAS, the installation of underground utilities is being performed at the intersection of Front Beach Road and Short Street on Monday, August 12, 2019.

WHEREAS, the construction necessitates careful traffic control and extraordinary usage of Short Street, in the corporate limits of Panama City Beach

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of Panama City Beach that:

1. Shortt Street from Front Beach Road to Poinsettia Drive shall be closed to vehicular traffic for the construction during the hours of 7:00 A.M. until 5:00 P.M. on August 12, 2019.
2. During the hours of 7:00 A.M. on August 2, 2019 until 5:00 P.M. on August 12, 2019 all vehicular traffic shall be rerouted or otherwise controlled per the attached map which accompanies this Resolution to accommodate the construction.
3. This Resolution shall take effect immediately upon its passage.

PASSED in special session this _____ day of _____, 2019.

CITY OF PANAMA CITY BEACH

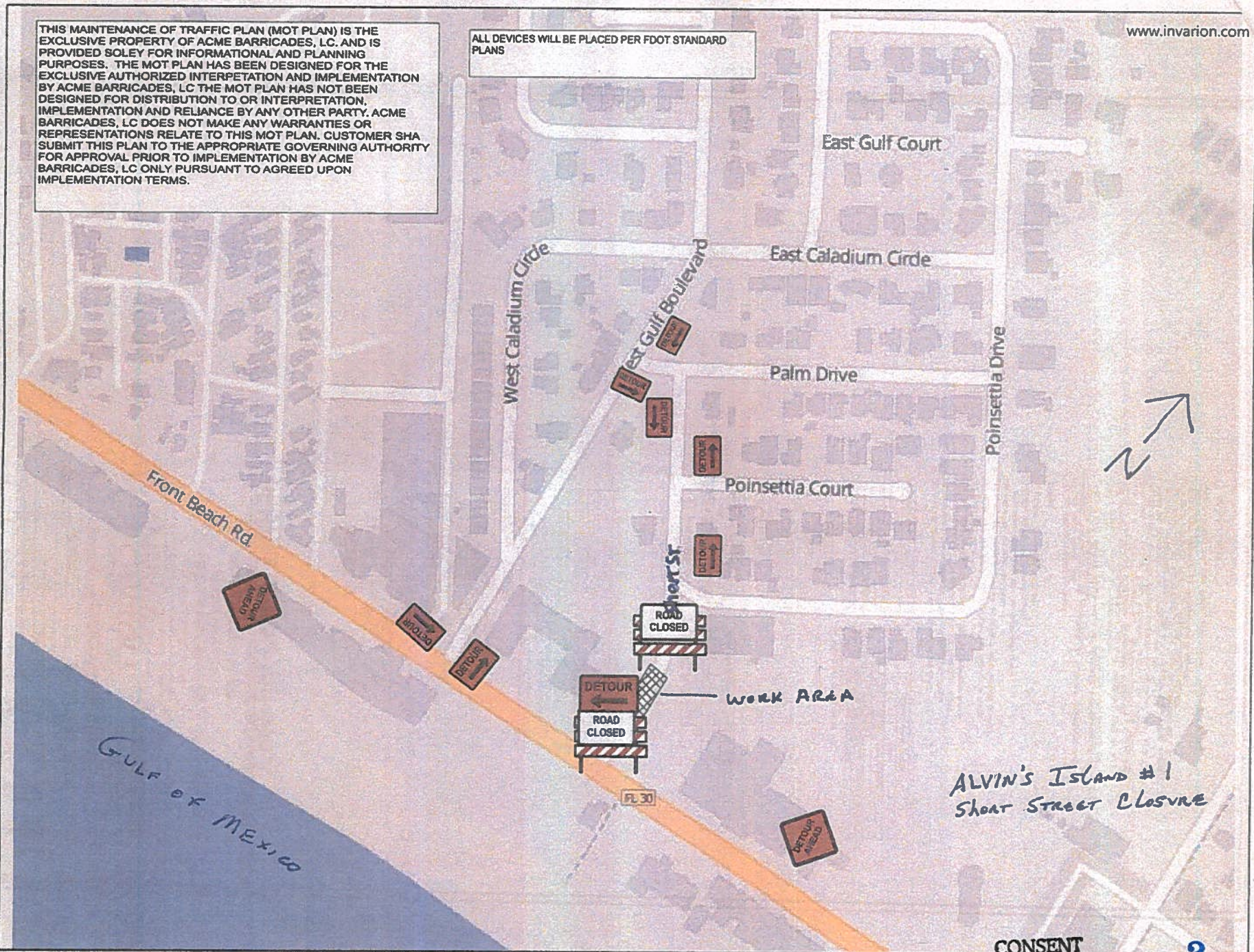
By: _____
Mike Thomas, Mayor

ATTEST:

Mary Jan Bossert, City Clerk

THIS MAINTENANCE OF TRAFFIC PLAN (MOT PLAN) IS THE EXCLUSIVE PROPERTY OF ACME BARRICADES, LC, AND IS PROVIDED SOLELY FOR INFORMATIONAL AND PLANNING PURPOSES. THE MOT PLAN HAS BEEN DESIGNED FOR THE EXCLUSIVE AUTHORIZED INTERPRETATION AND IMPLEMENTATION BY ACME BARRICADES, LC. THE MOT PLAN HAS NOT BEEN DESIGNED FOR DISTRIBUTION TO OR INTERPRETATION, IMPLEMENTATION AND RELIANCE BY ANY OTHER PARTY. ACME BARRICADES, LC DOES NOT MAKE ANY WARRANTIES OR REPRESENTATIONS RELATE TO THIS MOT PLAN. CUSTOMER SHALL SUBMIT THIS PLAN TO THE APPROPRIATE GOVERNING AUTHORITY FOR APPROVAL PRIOR TO IMPLEMENTATION BY ACME BARRICADES, LC ONLY PURSUANT TO AGREED UPON IMPLEMENTATION TERMS.

ALL DEVICES WILL BE PLACED PER FDOT STANDARD PLANS



REGULAR ITEM

1



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:
ADMINISTRATION/MARIO GISBERT

2. MEETING DATE:
AUGUST 8, 2019

3. REQUESTED MOTION/ACTION:
HOLD PUBLIC HEARING TO CONSIDER SECOND READING OF ORDINANCE 1493 REVISING THE ADMINISTRATION OF SPECIAL EVENT MUNICIPAL SERVICES AND OUTSIDE DUTY

4. AGENDA	
PRESENTATION	<input type="checkbox"/>
PUBLIC HEARING	<input checked="" type="checkbox"/>
CONSENT	<input type="checkbox"/>
REGULAR	<input checked="" type="checkbox"/>

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES NO N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)
 FOLLOWING THE SPRING SPECIAL EVENT SEASON, STAFF SET OUT TO REVISE THE PROVISION AND ADMINISTRATION OF OUTSIDE DUTY EMPLOYMENT BETWEEN SPECIAL PROMOTERS AND CITY EMPLOYEES OF THE POLICE AND FIRE DEPARTMENT.

ORDINANCE 1493 CODIFIES A PROCESS BY WHICH THE CITY MAINTAINS A ROSTER OF VOLUNTARY POLICE AND FIRE EMPLOYEES OFFERING TO WORK OUTSIDE DUTY FOR PRIVATE SPECIAL EVENT PROMOTERS AT A RATE DETERMINED BY THE COUNCIL. COUNCIL DETERMINED THE RATES BY RESOLUTION ON JULY 25, 2019.

THE ORDINANCE CONTEMPLATES SPECIAL EVENT PROMOTERS COORDINATING CLOSELY WITH CITY STAFF TO DETERMINE THE NECESSARY LEVELS OF MUNICIPAL SERVICES AND THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND PROMOTER FOR THOSE SERVICES. THE ORDINANCE ALSO INCREASES THE NUMBER OF MEDICAL AIDE PERSONNEL REQUIRED ON SITE FOR SPECIAL EVENTS BASED UPON ATTENDANCE.

COUNCIL APPROVED THE FIRST READING OF THE ORDINANCE ON JULY 11, 2019. STAFF HAS PROPERLY ADVERTISED A PUBLIC HEARING FOR THE SECOND READING AND ADOPTION OF THE ORDINANCE. IF ADOPTED, THE ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

ORDINANCE 1493

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ESTABLISHING RULES AND PROCEDURES FOR THE PROVISION OF OUTSIDE DUTY POLICE AND FIRE SPECIAL EVENT SERVICES; REVISING THE MEDICAL AID PERSONNEL REQUIRED FOR SPECIAL EVENTS; ESTABLISHING A MUNICIPAL SERVICES RESERVATION SYSTEM FOR SPECIAL EVENT PROMOTERS PRIOR TO THE FILING OF A SPECIAL EVENT APPLICATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Chapter 2 of the Code of Ordinances of the City of Panama City Beach related to Off-Duty Employment, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 2-58 Special Event Outside Police and Fire Employment

- (a) **It is the purpose and intent of the City Council that all outside duty law enforcement and fire and rescue employment with a private employer organizing, staging, promoting, or conducting a special event permitted by the City be administered and supervised in accordance with the provisions of this section.**
- (b) **The provisions of sections 2-53, 2-54, 2-55 and 2-57 shall apply equally to special event outside duty employment.**

Sec. 2-59 Definitions

- (a) When used in this section, the word “promoter” shall mean any person or entity organizing, staging, promoting or conducting any special event as defined by 4-16(a), (b), or (c) of this Code.
- (b) When used in this section, the word “special event services” shall mean outside duty law enforcement, security, traffic control, emergency medical technician services, fire protection, crowd management, or any other services necessary for the issuance of a special event permit or as a condition of conducting a special event within the corporate limits of the City of Panama City Beach performed by employees of the City Police or Fire department.

Sec. 2-60 Special Event Services

- (a) The City Police Department and Fire Department may facilitate the employment of law enforcement and fire/rescue personnel by separate and independent private promoters needing off-duty special event services. Such employment shall be specific to each event and shall not be on a continuing, seasonal, or annual basis.
- (b) The departments shall maintain a roster of personnel who, at their sole option, wish to perform such work. Each department head or his or her designee will select the personnel for such outside duty details from the roster of those who wish to participate. Personnel serving in executive/management may not participate in outside duty details, except that the police chief and fire chief or their respective designees may assign executive/management personnel, to supervise special events in an outside duty detail capacity as deemed necessary.
- (c) The City Council shall establish rates for off-duty special event services and fees for the City’s administrative expenses. The rates and administrative fees may be established by resolution. The City may require that the promoter pay the charges for such services directly to the city and may establish procedures for the personnel to receive their pay for off-duty special event services through the city’s payroll system. The City may require that

promoters pay all charges in advance of services being performed.

- (d) Should the promoter determine that the special event services for which it contracted will no longer be required the promoter shall to request a reduction in services from the coordinating department no later than twenty-four (24) hours prior to the scheduled start of such reserved services. Upon receipt of such request, the coordinating department may deny the request if the department determines the reduction would create a safety risk to the public. In the event that the promoter fails to timely request a reduction, the City shall charge a minimum of two (2) hours for each officer who reports for duty to the promoter's event.
- (e) Outside duty personnel shall observe the department's normal standards of conduct, rules and regulations and other policies and procedures during such details and shall be subject to disciplinary action by the City for their failure to do so.
- (f) In accordance with 29 C.F.R. Section 553.227, hours worked by police and fire personnel for outside special event services shall not be combined with the hours worked for the City for purposes of overtime compensation.
- (g) Police and fire personnel voluntarily performing off-duty police special event services shall be compensated at the hourly rate established by the Council, as an addition to the regular employee payroll. Such compensation shall be subject to all applicable withholding taxes. Compensation under this section shall not be considered as income reportable to the City's pension.
- (h) By enacting this section, the City has not agreed, and does not agree, to provide workers' compensation coverage for injuries sustained by outside personnel performing services for private employers. Such coverage shall be determined in accordance with Florida law.
- (i) In consideration for the City allowing private employers to hire police and fire personnel for special event services, the promoter shall indemnify and save harmless the City, its officers, agents and employees from or on account of any injuries or damages received or sustained by any person or

Ord. 1493

Page 3 of 17

persons during or on account of any negligent act of City personnel while that employee is employed by the promoter regardless of whether the negligent act occurred while the employee was discharging his or her primary responsibilities in providing special event services. This requirement may be waived by the City Council for special event services on City property.

- (j) **This section shall not apply to events held solely by the City of Panama City Beach**

SECTION 2. From and after the effective date of this ordinance, Chapter 4 of the Code of Ordinances of the City of Panama City Beach related to Special Events, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 4-20. - Application for permit.

- (1) Each application for a special event permit required by this Article shall contain the information described below and must be filed, and the permit fee paid, no less than the following number of days before the opening of the event to the public:
- a. Sixty (60) calendar days for a large event or for a medium event to be held in whole or in part during the month of March, Memorial Day weekend, 4th of July and its closest weekend or Labor Day weekend.
 - b. Thirty (30) calendar days for a medium event other than at the above times.
 - c. Twenty (20) calendar days for a small event.

Notwithstanding the foregoing, the City Manager shall accept a tardy application and if (i) City staff has the capacity to conduct an ordinary review of the application without causing material neglect of other staff duties or, (ii) the event promoter stands willing and able to pay and deposits a sum of money to cover any overtime for City staff to conduct an ordinary review of the application, and staff volunteers such overtime, then the City will use reasonable efforts to process a

tardy application in time to allow the event to be held. Applications shall be reviewed in the order received and priority shall be given to timely filed applications.

(2) Prior to approval of a special event application, any applicant proposing to hire off-duty City employees in meeting the special event obligations required herein must secure a municipal services reservation pursuant to section 4.21.5 of this Code. Any person who completes this reservation need not resubmit information required for that reservation set out in subsections 4-20 (a), (b), (e), (f), (i), (j), (k), and (m) unless such information has changed since the reservation's approval.

- (2) All applications for a permit under this Article must contain:
- a. The name and address of the applicant and if not a natural person the names and addresses of all persons controlling or owning greater than a five (5) percent interest in the applicant or a parent company of the applicant.
 - b. The dates and times of the event.
 - c. A list of the names and addresses of all vendors, independent contractors or other persons or firms which will be engaged by or associated with the applicant to offer goods or services during the special event, including a description of the goods and services offered by each and the name and address of the person who will have on-site responsibility, if different. The names and addresses of such persons shall be used only for the purposes of (i) identifying the source of good or services after the event, if necessary, (ii) allowing the City to collect all business license taxes due, and (iii) contacting such persons or firms as necessary in the normal course of City business. The information may not be used to grant or deny a permit. Should such a list not be available at the time application is made, applicant shall give a written statement to that effect and agreeing to furnish such a list no later than thirty-six (36) hours before the event and acknowledging that failure to timely provide such a list will result in termination of the special event permit.

- d. The names and addresses of all entertainers. This information shall be used for the sole purpose of the City, first, investigating whether sufficient adverse secondary effects have accompanied the entertainer's performance(s) at past performances to raise an objective and reasonable concern that a performance at the event could require planning for and provision of extraordinary municipal services and precautions due to a special or enhanced danger to public health, safety or welfare, and then, second, to allow the City to contact such entertainers as necessary in the normal course of City business.
- e. Whether (i) patrons will be permitted to bring alcoholic beverages into the event (herein a "coolers event"), or (ii) patrons will not be permitted to bring alcoholic beverages into the event but patrons will be offered alcoholic beverages within the event (herein an "alcohol sales event"), or (iii) alcoholic beverages will be prohibited within the event (herein a "no alcohol event").
- f. An estimate of the largest number of persons anticipated to be in attendance in the event venue at any point in time, a statement as to how such attendance was estimated (i.e., such as historical events, ticket sales, etc.), and a plan for: (i) determining the actual number of persons in attendance at the event venue as the event progresses; (ii) keeping the City informed in real time of that number; and (iii) a plan to manage and control or disburse the persons desiring to enter the event after capacity is reached. The name, address, telephone number and a description of any prior experience in estimating attendance at previous events shall be included for all persons participating in the attendance estimation.
- g. A plan for sanitation facilities and sewage, garbage and litter collection and disposal (during and after the event) generated by the event or by its patrons (wherever such garbage or litter may be located), water supply and food service. A plan submitted under this section is presumptively a danger to public health and safety if it violates, any rules promulgated by the Department of Health or other executive department pursuant

to F.S. Ch. 381 (Public Health), F.S. Ch. 386 (Sanitary Nuisances), F.S. Ch. 509 (Food Service), or similar laws.

- h. A plan for flood-lighting the special event and parking areas if any activities are to be offered during darkness.
- i. A plan for parking facilities and plans for transporting or conducting patrons from said facilities to the special event venue.
- j. A plan for the provision of security, on site and off site traffic control, communications, fire protection and emergency services, including ambulance service, and emergency vehicle access in and around the event venue, and the general background of the training and ability of the personnel to be used in implementing the plan.
 - (i) A traffic control plan submitted under this section is presumptively a danger to public health and safety if it does not provide for at least one (1) person professionally trained or experienced in vehicular traffic control for every five hundred (500) anticipated, maximum attendees to actively guide traffic during the event.
 - (ii) A security plan submitted under this section is presumptively a danger to public health and safety if it does not provide for the following on site security officers to work the event:
 - (a) for a "cooler event" at least five (5) persons on duty for every one thousand (1,000) attendees or portion thereof who shall be certified law enforcement officers , licensed security guards under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards;
 - (b) for an "alcohol sales event" at least three (3) persons on duty for every one thousand (1,000) attendees or portion thereof who shall be certified law enforcement officers, licensed security guards under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards;

- (c) for a "no alcohol event" at least one (1) person for every one thousand (1,000) attendees or portion thereof who shall be a certified law enforcement officer, a licensed security guard under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards.

The City Manager may approve a plan that does not meet this staffing criteria if it is reasonably shown that public health and safety can be secured through alternative means or that such staffing is not reasonably required for the proposed event, or alternatively the City Manager may require additional staffing reasonably shown to be required to secure the public health and safety during the proposed event.

A security plan submitted under this section is presumptively a danger to public health and safety if it does not prohibit security and traffic control personnel from working more than one (1) twelve-hour shift in any twenty-four-hour period.

- k. A plan for medical services to be provided at the special event. A medical services plan submitted under this section is presumptively a danger to public health and safety if it does not prohibit medical personnel from working more than one (1) twelve-hour shift in any twenty-four-hour period. A medical services plan presumptively presents a danger to public safety or health if it does not provide for the following on site professionals to work the event. **The event shall be staffed by sufficient Medical Aid Personnel as follows:**

<u>Attendance</u>	<u>Medical Aid Personnel</u>
<u>0-500</u>	<u>0</u>
<u>500-999</u>	<u>2</u>
<u>1,000-1,999</u>	<u>4</u>
<u>2,000-4,999</u>	<u>6</u>
<u>5,000-9,999</u>	<u>8</u>
<u>10,000-19,999</u>	<u>12</u>

20,000 and above

22 plus an additional
two for each
additional 2,000
anticipated maximum
attendees

- ~~(i) For a small event: none.~~
- ~~(ii) For or a medium event: two (2) Emergency Medical Technicians ("EMTs"), paramedics, or other professionals with equivalent (or higher) medical training.~~
- ~~(iii) For a large event: two (2) EMTs, paramedics or other professionals with equivalent (or higher) medical training, plus an additional two (2) such persons for each eight thousand (8,000) anticipated maximum attendees, or portion thereof, over five thousand (5,000) anticipated maximum attendees.~~

For the purposes of this section "Medical Aid Personnel" means a person licensed by the State of Florida as an Emergency Medical Technician, paramedic, or other professional with equivalent (or higher) medical training.

The City Manager may approve a plan that does not meet this staffing criteria if it is reasonably shown that public health and safety can be secured through alternative means or that such staffing is not reasonably required for the proposed event.

The foregoing presumption is intended to address an event presenting a moderate hazard. The staffing guidelines set forth above may be decreased or increased as may be reasonably required to secure the public health and safety during the event depending upon whether the event objectively presents a lower or higher hazard. By way of illustration, the staffing guidelines set forth above are intended for moderate hazard events which include, but are not limited to, concerts, carnivals and fairs. Similarly, low hazard events include, but are not limited to, car shows, flea markets, local festivals, craft shows, local sporting events, and organized sporting tournaments. High hazard events include, but are not limited to, an event with stunts or having the potential for special danger to participants or spectators, or the potential for sustained exposure to extreme ambient

temperatures. A low or moderate event may present a higher hazard due to extreme temperatures. Higher hazard events may be required to provide an Advanced Life Support Unit with transport capability. Staffing shall be equipped with customary supplies necessary to treat injuries and illnesses commonly associated with outdoor activities or similar events.

- l. A plan for assuring that all stages, booths, tents, scaffoldings or structures of any kind on, under or within which persons may congregate, will conform to applicable building and construction codes in effect within the City, and that any entertainment stage erected on the sandy beach in connection with a special event will be guarded by a certified law enforcement officer, a licensed security guard under F.S. Ch. 493 (Class "D" or better), or an in-house security professionally trained according to recognized standards and authorized and instructed to prevent unsafe, public use or activity on or about the stage twenty-four (24) hours a day, seven (7) days a week.
- m. A site plan showing the location and size of the event venue and all parking areas (including required handicap parking), and the location of all other features required by this section. For a sandy beach event, the site plan shall show a cleared east/west corridor on the sandy beach outside the event venue adequate to permit the one-way passage of an emergency vehicle, and a cleared east/west pedestrian corridor at and above the wet sand at the water's edge at least twenty-five (25) feet wide.
- n. A plan to provide and control safe pedestrian access between parking area(s) and the event venue which will minimize adverse impacts upon surrounding properties and businesses. For a sandy beach event a plan to keep the east/west emergency vehicle corridor and the waterfront pedestrian corridor open for traffic at all times must be provided.
- o. A plan to deal with persons congregating outside the event in public right of ways either seeking entry to the event or attracted to the event should the number of such numbers call for municipal services to a degree above that which the City routinely provided under ordinary, everyday circumstances.

- p. A plan to enclose, restrict or control access to all parking at the event venue and to limit the number of persons within the event venue to the maximum number anticipated, and a contingency plan to deal with persons in excess of that number to minimize adverse impacts upon surrounding properties and businesses.
- q. For a medium or large event held in any part on the sandy gulf beach, plans demonstrating that the event space on the sandy beach event venue will be enclosed on all sides by fences or other structures adequate to prevent access to the event at any point other than controlled access gates, and also demonstrating adequate egress facilities and routes to clear the event venue in case of an emergency. If any entertainment or activity is provided for the event which is reasonably likely to attract a crowd outside the event venue, the fences or other structures shall be opaque and a minimum of six (6) feet high so as to prevent persons standing on ground level outside the fence or event venue from viewing the entertainment; except that in lieu of a six (6) foot opaque fence on the gulf water side there may be substituted two (2) parallel fences each a minimum of four (4) feet high lying parallel to the gulf water's edge and no less than ten (10) feet apart.
- r. During sea turtle nesting season, a plan for the fences to be removed from the beach daily before 9:00 p.m. and not replaced until after the beach has been inspected for turtle nests the next morning.
- s. For a large event out of doors, a plan to provide sufficient elevated viewing platforms to permit event security and, upon request, City police to oversee the crowd and be able to identify and respond to a disturbance or unusual activity before it escalates.
- t. A list of all live animals to be used in connection with the event and a plan for the care and safe keeping of such animals.
- u. For medium events, a cash deposit in the amount of two thousand dollars (\$2,000.00) or one thousand dollars (\$1,000.00) per day, whichever is greater, but not to exceed five thousand dollars (\$5,000.00). For large events, a cash deposit

in the amount of three thousand dollars (\$3,000.00) or one thousand five-hundred dollars (\$1,500.00) per day, whichever is greater, but not to exceed six thousand dollars (\$6,000.00). The return of such deposit, in whole or in part, shall be conditioned upon the applicant timely and completely performing all of the plans submitted with the application or reimbursing the City for all direct and indirect costs incurred to protect public or private health, safety or welfare in the absence of such performance or to pay the City any rent due the City for the use of city facilities in the event. In the event any such cost shall exceed the amount of the deposit, the applicant shall be liable to the City for such excess to the extent permitted by law.

- v. The plans required by this Article are designed to allow the City to evaluate and assure that the proposed event will not pose an unreasonable danger to public health and safety and will not excessively burden municipal resources without adequate planning so as to create such a danger. Any plan submitted hereunder is presumptively a danger to public health and safety if it does not (i) include evidence that the applicant is reasonably qualified, experienced and capable of executing the plan alone, or written commitments from one (1) or more qualified, experienced and capable third parties promising to execute or assist the applicant in executing the plan and acknowledging that the commitment is being made to induce the City to issue a permit for the event, and (ii) demonstrate that it is reasonably capable of being executed through the equipment, personnel and processes specified in it, and (iii) demonstrate that it will be reasonably effective to protect the public from the health or safety risks it is intended to address.
- w. The City Manager may waive any requirement herein if it is reasonably shown that public health and safety can be secured through alternative means or that such a plan is not reasonably required for the proposed event.

(Ord. No. 1379, § 3, 1-5-2016)

Sec. 4-21. - Application fee and municipal services fee.

- (1) Application for a special event permit shall be accompanied by one of the following applicable fees for administrative expenses incurred in evaluating and processing the application:
 - (i) For small event, \$50.00.
 - (ii) For a medium event, \$225.00
 - (iii) For a large event, \$350.00.

If an event permit for a large event wholly or partially on the sandy beach is not issued due to other such sandy beach event(s) occurring on the same calendar day the application fee shall be refunded. In the event the City Council shall find that the event will serve a charitable, public and non-religious purpose, it may by resolution waive or lower the application or City services fee, or both, by appropriating general revenue funds to be applied to the fee.

- (2) As part of the City's administrative review of an application for a large event permit, the City shall determine the municipal services needed as a direct result of the event and not as a duty to the public generally, together with any municipal services requested by the applicant, and their respective costs, and shall prepare an itemization of the services and their cost (the municipal services fee). The purpose of the municipal services fee is to place upon a large event the marginal cost of providing municipal services which are reasonably necessary to directly support the event.
- (3) The level of municipal services required shall be determined by an objective, reasonable examination of the totality of the circumstances, including but not limited to the following factors:
 - (i) The size of the event venue and the anticipated attendance.
 - (ii) The location of the event to determine the potential for pedestrian and vehicular congestion.
 - (iii) The nature of the event, the activities planned during it and the weather conditions of the season to evaluate the danger of harm to persons and property such as a fireworks explosion, a collision of participants or spectators, spectator or participant heatstroke, drowning, and the like.

- (iv) The historical density of visitors to the beaches during the annual season of the event and the type of activities, safe and unsafe, in which those visitors have historically engaged.
- (v) Whether the event venue is specifically designed and staffed to handle the anticipated needs and effects of the anticipated number of attendees.
- (k) (4) The City Manager or his or her designee shall promptly provide the applicant a copy of the itemization and amount of the municipal services fee **based upon rates approved by the City Council** and attempt to schedule or arrange a pre-permit conference with the applicant, or other means of communication between the city and the applicant as may be suggested by the applicant, in order to discuss the conduct of the event, the coordination of public and private resources and the level of municipal services required and the amount of the municipal services fee. It shall be the Applicant's duty to attend the pre-permit meeting at a day and time convenient for City staff, or to request an alternative to the pre-permit meeting and the City Manager shall allow the request if it is reasonable and practical to do so. **Prior to the provision of Special Event Services, the City Manager and promoter shall execute a contract, in a form approved by the City Attorney, which delineates the specific services to be performed including the number and roster of personnel, schedule of work, and all rates, fees, and taxes to be provided by the City and paid by the promoter.**
- (5) If the applicant does not accept the type and extent of municipal services listed and the amount of the municipal services fee, the City shall nonetheless proceed in ordinary course to complete the application process and either deny the permit through the process contained in this Article without consideration of the applicant's objection to the fee, or if the applicant is entitled to the permit then grant the permit upon the condition that the municipal services fee be paid before the permit becomes valid or effective. The applicant shall have the right to appeal to the City Council the type and extent of services required and the amount of the fee by letter filed with the City Clerk within three (3) business days after the City shall provide the applicant the itemization and amount of the fee which

notice shall state that the applicant may appeal within three (3) business days. The City Council shall uphold or lessen the fee based upon information about the extent of services to be rendered by the City directly related to the event and the cost of those services as presented by City Manager or his designee and the applicant in a *de novo*, quasi-judicial hearing held as soon as may be practicable. The City Council's decision, including its reasons therefore, shall be announced at the conclusion of the hearing and entered onto the record thereof which shall constitute the Council's final order in any subsequent proceedings. The hearing may be continued from time to time in the sole discretion of the City Council. If the City Council is unable to timely conduct or conclude the hearing in time for the event to be held pursuant to an otherwise valid permit, the applicant may pay to the City the disputed fee under protest, and the permit shall become effective so that the event may be held, in which case the hearing shall be held and concluded after the event at a mutually convenient time. If the fee is upheld, it shall be accepted by the City; if it is reduced the reduction shall be refunded to the applicant.

(Ord. No. 1379, § 3, 1-5-2016)

Sec. 4-21.5 – Municipal Services Reservation and Availability

- (a) **Municipal services in support of a special event are available on a first-come-first-serve basis. The City is not obligated to provide or reserve any services prior to the execution of an agreement between the applicant and the City for the services rendered and any municipal services fee.**
- (b) **Prior to the submittal of a complete permit application contemplated in section 4-20, the applicant may request a reservation of anticipated municipal services for the event.**
- (c) **A municipal services reservation request must include:**
1. **The information listed in section 4-20 (a), (b), (e), (f), (i), (j), (k), and (m).**

2. The number of Police Department and Fire Department personnel requested.
3. A proposed schedule of work for each City employee requested based upon the applicant's need throughout the duration of the event.
4. Any additional or specialized equipment requested.

(d) Upon the receipt of a municipal services reservation request, the City Manager, the Chief of Police and the Fire Chief, or their respective designees, shall provide the applicant a copy of the itemization and amount of the municipal services fee based upon the rate then in effect as set by the City Council.

(e) The applicant may accept the itemization and fee by the execution of a municipal services reservation agreement or reject the fee which shall constitute a denial of the reservation request.

SECTION 3. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code of Ordinances, and unless a contrary ordinance is adopted within ninety (90) days following each such publication, each codification of this Ordinance shall become the final and official record of the matters herein ordained and there codified. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the special meeting of the City Council of the City of Panama City Beach, Florida, this ____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2019.

MAYOR

Published in the News Herald on the 29th day of July, 2019.

Posted on pcbgov.com on the ____ day of _____, 2019.

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AGENDA ITEM #

1

REGULAR ITEM

2



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:
ADMINISTRATION

2. MEETING DATE:
AUGUST 8, 2019

3. REQUESTED MOTION/ACTION:
HOLD PUBLIC HEARING TO CONSIDER SECOND READING OF ORDINANCE MAKING IT UNLAWFUL TO DISOBEY THE LAWFUL ORDER OF POLICE OR FIRE PERSONNEL

4. AGENDA
PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? Yes No N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED Yes No N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)
AT ITS MEETING ON JUNE 27, THE COUNCIL DIRECTED STAFF TO DRAFT AN ORDINANCE AUTHORIZING THE ARREST OF INDIVIDUALS REFUSING TO GET OUT OR STAY OUT OF THE WATER WHEN ORDERED TO DO SO. THE COUNCIL'S DIRECTION FOLLOWED CONSIDERATION OF VARIOUS MEANS TO ATTEMPT TO PROTECT THE LARGE NUMBERS OF PEOPLE OBSERVED IN THE WATER WHEN DOUBLE RED FLAGS ARE FLYING.

STAFF HAS PREPARED AN ORDINANCE MAKING IT UNLAWFUL TO DISOBEY THE LAWFUL ORDER OF POLICE OR FIRE PERSONNEL. PENALTIES ARE ESTABLISHED, AND DETERMINED BY WHO THE ENFORCEMENT INDIVIDUAL IS AND THE LIMITS OF THEIR AUTHORITY. THE ORDINANCE PROVIDES AN EXEMPTION FOR PERSONS TETHERED BY A LEASH TO A SURFBOARD. THIS EXEMPTION HAD NOT BEEN AMENDED TO EXPRESSLY INCLUDE PADDLE BOARDS OR KITE BOARDS, AS THE COAST GUARD HAS DEEMED THEM VESSELS.

THE ORDINANCE ALSO IMPLEMENTS ADDITIONAL SAFETY SUGGESTIONS DISCUSSED DURING THE COUNCIL'S JULY 11 SPECIAL MEETING. UNDER THIS ORDINANCE BEACH BUSINESSES WOULD BE REQUIRED TO POST A SIGN DURING DOUBLE RED FLAG CONDITIONS INFORMING GUESTS THAT THE WATER IS CLOSED.

COUNCIL APPROVED THE FIRST READING OF THE ORDINANCE ON JULY 25, 2019. STAFF HAS PROPERLY ADVERTISED A PUBLIC HEARING FOR THE SECOND READING AND ADOPTION OF THE ORDINANCE. IF ADOPTED, SECTION 1 OF THE ORDINANCE SHALL TAKE EFFECT IMMEDIATELY WITH THE REMAINDER EFFECTIVE MARCH 1, 2020.

ORDINANCE 1494

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 7 OF THE CITY'S CODE OF ORDINANCES RELATING TO BEACH SAFETY; PROHIBITING AND MAKING UNLAWFUL THE DISOBEDIENCE OF A LAWFUL ORDER OF POLICE OR FIRE RESCUE PERSONNEL TO LEAVE THE GULF OF MEXICO; PROVIDING FOR PENALTIES AND ENFORCEMENT; REQUIRING THAT BEACH BUSINESSES POST SIGNS DURING DOUBLE RED FLAGS; AUTHORIZING CODIFICATION; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Environmental Protection has adopted a uniform warning flag program for use by Florida's beachfront communities, which system is intended to minimize the risks of drowning or serious injury; and

WHEREAS, the City prominently displays signs at its beach accesses and in transient dwelling accommodations to educate beachgoers of the flag system and hazard signified by such flags, and flies flags up and down its nine miles of beaches to indicate the Gulf conditions; and

WHEREAS, double red flags signify the water is closed to the public; and

WHEREAS, the City has experienced increasing difficulty convincing tourists and other persons to get out of the waters of the Gulf of Mexico when conditions make swimming reckless, as often indicated by the presence of double red flags; and

WHEREAS, swimmers who enter the water in dangerous conditions risk not only their own lives but the lives of those attempting to rescue distressed swimmers; and

WHEREAS, on June 21, 2019, one such rescuer, Stacey Redmon, gave his life saving a child from certain peril as double red flags flew overhead. To honor his memory the City Council deems it necessary to protect those like Mr. Redmon who may take action through stricter enforcement of the uniform warning flag system; and

WHEREAS, the City Council finds that surfers are often the first to respond to distressed swimmers and have saved countless lives through their deliberate efforts to help others while enjoying a time-honored sport in the Gulf of Mexico; and

WHEREAS, the City Council finds based upon personal information and belief that the majority of local surfers are skilled swimmers capable of safely navigating dangerous conditions due to their superior skills and equipment so that they may remain in the water during otherwise dangerous conditions; and

WHEREAS, the City acknowledges that a person's attachment by a leash to a surfboard enhances their chances of surviving adverse gulf conditions by virtue of that attachment to a surfboard and that failure to be tethered to a surfboard creates an enhanced risk of distress in dangerous gulf conditions; and

WHEREAS, there currently exists no legal requirement for persons in the Gulf of Mexico to get or stay out of the water upon instruction of police or fire rescue personnel responsible for safety supervision of others in the Gulf; and

WHEREAS, the City Council finds that for the protection of tourists and others swimming in the Gulf, and to reduce the risk to persons attempting to rescue swimmers who experience difficulty in Gulf waters, refusal to obey the order of a police officer or fire rescue personnel acting to supervise the safety of others must be made unlawful.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this Ordinance, Section 7-12 of the City's Code of Ordinances is created to read as follows:

Section 7-12. Failure to obey lawful order.

- (a) The legislative intent of this section is to authorize City personnel to order persons to stay out of or come in from the Gulf of Mexico when double red flags are flying.
- (b) Failure to obey an order to stay out of or come in from the Gulf of Mexico by a police officer, when reasonably known to be such an official, is hereby prohibited and made unlawful. Such order shall be made for the purpose of ensuring the safety of persons using the beach

or waters of the Gulf of Mexico. Any person violating any provision of this section may be punished as follows:

1. First Offense: verbal warning.
 2. Second Offense (occurring within twenty-four hours but following an opportunity to comply with the preceding warning): Misdemeanor of the second degree punishable by a fine of no more than \$500, or a sentence of not more than sixty (60) days in jail, or both.
- (c) Failure to obey an order to stay out of or come in from the Gulf of Mexico by any member of the City's fire rescue department, when reasonably known to be such a person, is hereby prohibited and made unlawful. Any person violating any provision of this section may be punished as follows:
1. First Offense: warning
 2. Second Offense: by a civil penalty of \$250.
 3. Third Offense: by a civil penalty of \$500.
- (d) All fire rescue personnel of the City shall be considered code enforcement officers for the purpose of enforcing this section. A citation issued under section (b) may be contested in accordance with the provisions of Chapter 25 of the City's Code of Ordinance.
- (e) This section shall not apply to persons attached by a leash to a surfboard. A surfboard means a fiberglass, epoxy, closed-cell neoprene or closed cell Styrofoam instrument with one or more fins or skegs attached to or inserted through the bottom, including windsurf boards and sailboards, but does not include rubber rafts, floats, belly boards, skim boards, or boogie boards.

SECTION 2. From and after March 1, 2020, Section 7-22 of the City's Code of Ordinances is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 7-22. - "No lifeguard" and beach safety signage required.

(a) Any person managing or controlling a Beach Business which permits its business invitees to swim in the waters of the Gulf of Mexico behind such business shall at all times either:

1. Cause such business to furnish one or more Exclusive Lifeguards covering substantially all of its beachfront, where each Exclusive Lifeguard is responsible for no more than two hundred fifty (250) linear yards of beachfront and has a Tower in materially the center of his or her zone of responsibility, or

2. Conspicuously post at every public or common place of egress from such business to the sandy Gulf beach a sign in letters no less than four inches in height stating "No Lifeguard on Duty" and "Swim at Own Risk."

(b) In addition, any person managing or controlling a Beach Business which permits its business invitees to swim in the waters of the Gulf of Mexico behind such business shall at all times conspicuously post, at every public or common place of egress from such business to the sandy Gulf beach, signs in form and substance approved by the City Manager:

1. explaining the flag warning system; and
2. explaining and warning swimmers of rip currents.

(c) During all times when double red flags are flying, an owner or operator of a Beach Business shall conspicuously post a two-sided sign at any public or common place of egress from such business which states that the water is closed in substantially the following form:

**"WATER CLOSED TO PUBLIC.
ENTRY INTO GULF OF MEXICO
PUNISHABLE BY ARREST.
SECTION 7-12, PCB CODE OF ORD."**

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2019.

MAYOR

Ordinance 1494
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AGENDA ITEM # 2

Published in the News Herald on the 29th day of July, 2019.

Posted on pcbgov.com on the ____ day of _____, 2019.

REGULAR ITEM

3



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Public Works (CRA), David O. Campbell

2. MEETING DATE:

8/8/2019

3. REQUESTED MOTION/ACTION:

Approve a Change Order to the City contract with GAC for the purchase and installation of red asphalt for the tram lanes in Segment 2

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE) YES NO

N/A

BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO

N/A

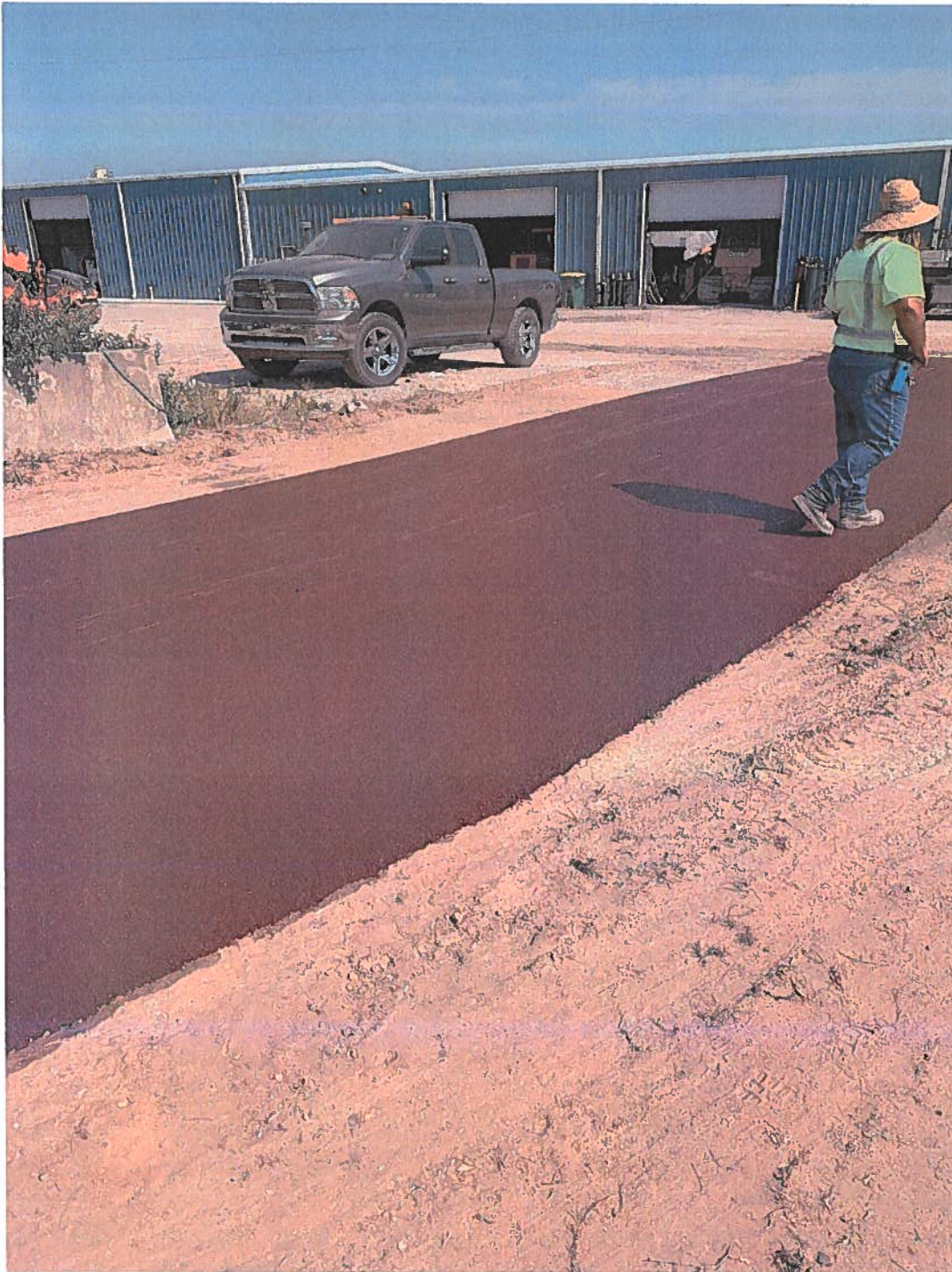
6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

The Front Beach Road Streetscape Guidelines Manual dated October 2008 contemplates red colored tram lanes on Front Beach Road throughout the CRA. Several metropolitan areas throughout this Country and in Europe are using the color red to designate dedicated Bus and Taxi lanes in an effort to improve transit times by signaling to other drivers to stay out of the lane.

City Staff and members of GAC, FBR Segment 2 Contractor, researched the different products on the market to color asphalt and found the most effective and practical to be a product called inPHusion HX asphalt color. This product requires minimal modification to the asphalt plant to be able to insert the red powder into the pugmill. GAC conducted a test run on the red asphalt to help determine the appropriate mix for our desired use. The three mixes that were tested were 100 lbs of product per ton of asphalt, 75lbs/ton, and 50lbs/ton. It was determined that the 50lbs/ton yielded sufficient pigmentation to contrast with the black asphalt on the travel lanes.

The cost of the product is \$0.99 per pound. The lanes will require between a 1 inch and a 1.5 overlay, producing a maximum of 1000 tons of asphalt. The overall cost of installation will be a not to exceed amount of \$95,363.82. The product will be shipped from China and take between 45 and 60 days to arrive. Although this item is not in the current budget, the installation will occur in FY20 and will be included in next years budget.

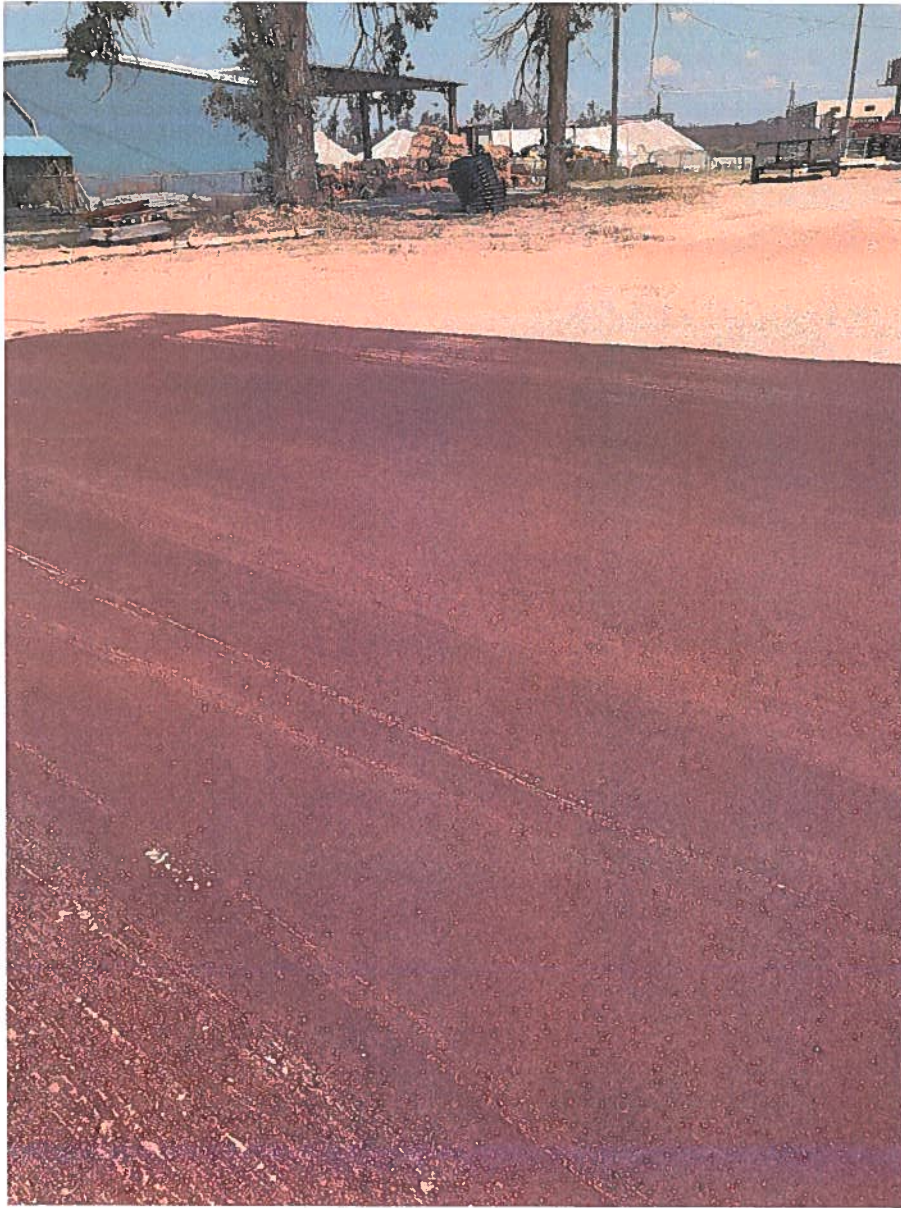
Attachments: 1. Streetscapes Design Guidelines Manual Cover 2. GAC Quote and Change Order
3. Bus Lane Article 4. Red Asphalt Photos



100 lbs/ton Mix



75 lbs/ton Mix



50 lbs/ton Mix

The Magic of Red Painted Bus Lanes

By Angie Schmitt | Jun 7, 2019 | 9



3rd Street bus lane in San Francisco. Photo: SFMTA



Drivers may be seeing red, but bus drivers are seeing only green. Washington, D.C.'s new red-painted bus-only lanes on H and I streets downtown appear to be a success just one week in, with buses are moving faster, and most drivers are following the rules and staying out of their way, according to a quick, early analysis by [Greater Greater Washington](#).

This latest bus lane experiment stands in contrast to the city's earlier experiments with bus only lanes, says the site's Dan Malouff:

Unlike other D.C. attempts at striping bus lanes on [Seventh Street](#) and [Rhode Island Avenue](#), which did not feature red pavement and which many car drivers completely ignored (if they knew bus lane restrictions existed at all), drivers are mostly staying out of the H and I lanes. With bright red pavement, there can be no excuses, no believable claims from drivers that "I didn't know" or "I didn't see it."

For such a simple thing, the red is incredibly effective.

Taxis, trucks and Ubers parking in D.C.'s new bus lanes has been a little bit of a problem. But Malouff reports the red paint sent such a strong message, drivers didn't seem to understand that the city is allowing them to park in the red lanes at off peak hours.

Things could change as time goes on in the nation's capital, but red paint has been a surprisingly effective tool in other regions as well.

San Francisco's SFMTA found [\[PDF\]](#) bus lane violations on Third Street fell 51 percent after the lane was painted red. Among a series of interventions to prevent driving or parking in the bus lanes, SFMTA's analysis found red paint was the most effective.

"Red bus lanes are especially important as a transit priority tool because they don't cost a lot and can be implemented very quickly," Ben Fried, a spokesman for Transit Center, told Streetsblog.

Since they were installed in Baltimore in 2017, the city's transit agency MTA says they have improved travel times on nearly all routes. The city amended its laws to impose a \$250 fine for parking in them. But enforcement is still an issue, according to the [Baltimore Sun](#), despite Baltimore police issuing 1,700 citations and 500 warnings.

Despite their effectiveness red bus lanes are still in use in only a handful of U.S. cities.

Even though the Third Street red bus lanes have been so effective in San Francisco, improving not just bus travel times but also safety, the city has struggled to expand them. Residents of the Mission neighborhood have successfully [fought](#) to against plans for red bus lanes on 16th Street.

Another barrier, unfortunately, is federal policy.

"The [Federal Highway Administration] still considers them 'experimental' despite the fact that American cities have used them for more than a decade," said Fried. "That creates completely unnecessary red tape, adding time and cost to what should be inexpensive transit improvements. FHWA should remove the 'experimental' designation to expedite these projects."

RESOLUTION 19-123

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING A CHANGE ORDER TO THE CITY'S AGREEMENT WITH GAC CONTRACTORS FOR THE FRONT BEACH ROAD SEGMENT 2 REDEVELOPMENT PROJECT IN THE TOTAL AMOUNT OF \$95,363.82 FOR THE PURCHASE AND INSTALLATION OF RED ASPHALT FOR THE DEDICATED TRAM LANES; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

BE IT RESOLVED by the City of Panama City Beach, Florida that the appropriate officers of the City are authorized to approve that certain Change Order #20 to the City's Agreement with GAC Contractors, Inc. related to the Front Beach Road Segment 2 Redevelopment Project, to provide for the purchase and installation of red asphalt for the project's tram lanes, in the total amount of Ninety Five Thousand, Three Hundred Sixty Three Dollars and Eighty Two Cents (\$95,363.82), as set forth in the Change Order attached hereto as Exhibit A and presented to the Council today.

This Resolution shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this __ day of __, 2019.

CITY OF PANAMA CITY BEACH

By: _____
Mike Thomas, Mayor

ATTEST:

Mary Jan Bossert, City Clerk

GAC CONTRACTORS, INC. CHANGE ORDER #20 FOR FBR SEG 2 REDEVELOPMENT PROJECT

Description	Quantity	Units	Material Unit Cost	Material Subtotal	7.5% Tax	Material Total	Labor/Equipment Unit Cost	Labor/Equipment Total	Subcontract Unit Cost	Subcontract Total	TOTAL
Asphalt Color - RED (Approx. 1,000 TN)											
Asphalt Color Dye (50lb / TN)	50,000	LB	\$ 0.99	\$ 49,500.00	\$ 3,712.50	\$ 53,212.50	\$ -	\$ -	\$ -	\$ -	\$53,212.50
Asphalt Color Dye - Shipping Cost (per lb)	50,000	LB	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.16	\$ 8,000.00	\$8,000.00
Additional Crew at Plant for Assistance in Loading	4	DAY	\$ -	\$ -	\$ -	\$ -	\$ 2,200.00	\$ 8,800.00	\$ -	\$ -	\$8,800.00
SAMPLE - Asphalt Color Dye (100 lb bags)	2,400	LB	\$ 0.99	\$ 2,376.00	\$ 178.20	\$ 2,554.20	\$ -	\$ -	\$ -	\$ -	\$2,554.20
SAMPLE - Asphalt Color Dye - Shipping Cost (per lb)	2,400	LB	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.16	\$ 384.00	\$384.00
SAMPLE - Apsphalt	24	TN	\$ 75.00	\$ 1,800.00	\$ 135.00	\$ 1,935.00	\$ -	\$ -	\$ -	\$ -	\$1,935.00
SAMPLE - Asphalt Crew	0.5	DAY	\$ -	\$ -	\$ -	\$ -	\$ 5,400.00	\$ 2,700.00	\$ -	\$ -	\$2,700.00
Batch Plant Modification (For Bag Loading)	1.0	LS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,575.00	\$ 3,575.00	\$3,575.00
Sub Total				\$ 53,676.00	\$ 4,025.70	\$ 57,701.70		\$ 11,500.00		\$ 11,959.00	\$81,160.70

Sub Total	\$81,160.70
Profit / Overhead (17.5%)	\$14,203.12
Sub Total + P/O	\$95,363.82
Total	\$95,363.82
Total - Material Taxes	\$91,473.12

REGULAR ITEM

4



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

ADMINISTRATION/ MARIO GISBERT

2. MEETING DATE:

AUGUST 8, 2019

3. REQUESTED MOTION/ACTION:

APPROVE RESOLUTION 19-125 AUTHORIZING AN ADDENDUM TO THE COMMERCIAL CONTRACT BETWEEN THE CITY AND RECOVERY COMMUNITIES, INC., TO CHANGE THE CLOSING DATE AND DUE DILLIGENCE PERIOD.

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES NO N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

ON JUNE 19, 2019, THE CITY ENTERED INTO A COMMERCIAL CONTRACT WITH RECOVERY COMMUNITIES, INC., FOR THE SALE OF REAL PROPERTY LOCATED AT 9941 THOMAS DRIVE. THE CONTRACT ORIGINALLY CALLED FOR A DUE DILLIGENCE PERIOD OF 60 DAYS FROM THE EFFECTIVE DATE OF THE CONTRACT (JUNE 19, 2019).

AS THE BUYER PROCEEDS WITH ITS DUE DILLIGENCE, IT HAS ASKED TO EXTEND THIS PERIOD AN ADDITIONAL 60 DAYS UNTIL OCTOBER 17, 2019 AND TO CORRESPONDINGLY RESCHEDULE THE CLOSING TO OCCUR NO LATER THAN DECEMBER 31, 2019.

NO OTHER PROVISION OF THE CONTRACT IS AFFECTED BY THIS ADDENDUM. STAFF RECOMMENDS APPROVAL.

RESOLUTION 19-125

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AND EX-OFFICIO AS THE GOVERNING BODY OF THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY; APPROVING ADDENDUM TWO TO THE COMMERCIAL CONTRACT BETWEEN THE CITY AND RECOVERY COMMUNITIES, INC. RELATED TO THE SALE OF 3.85 ACRES LOCATED IN THE FRONT BEACH ROAD REDEVELOPMENT AREA.

BE IT RESOLVED by the City of Panama City Beach, Florida that the appropriate officers of the City are authorized to approve that certain Addendum Two attached hereto as Exhibit "A" to amend the Closing Date and Due Diligence period of the City's Commercial Contract with Recovery Communities, Inc., related to the sale of 3.85 acres in the Front Beach Road Redevelopment Area.

This Resolution shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the special meeting of the City Council of the City of Panama City Beach, Florida, this _____ day of _____, 2019.

THIS RESOLUTION shall be effective immediately upon passage.

**CITY COUNCIL OF PANAMA
CITY BEACH, FLORIDA, AND
EX-OFFICIO AS THE
GOVERNING BODY OF THE
PANAMA CITY BEACH
COMMUNITY**

REDEVELOPMENT AGENCY

By: _____
Mike Thomas, Mayor, and Ex-
Officio as Chair of the Agency

ATTEST:

Mary Jan Bossert, City Clerk, and
Ex-Officio as Clerk to the Agency

ADDENDUM TWO
TO COMMERCIAL CONTRACT

SELLERS: THE CITY OF PANAMA CITY BEACH, FLORIDA

BUYERS: RECOVERY COMMUNITIES, INC.

NOTWITHSTANDING ANY OF THE PROVISIONS SET FORTH IN THE PURCHASE AND SALE AGREEMENT TO THE CONTRARY, THE FOLLOWING TERMS AND CONDITIONS SHALL PREVAIL, AND THIS RIDER SHALL BE ATTACHED TO THE SUBJECT AGREEMENT AND MADE A PART THEREOF:

This Addendum entered into this _____ day of August, 2019, modifies and amends that certain Purchase and Sale Agreement dated _____, by and between THE CITY OF PANAMA CITY BEACH, FLORIDA ("CITY") as Seller, and RECOVERY COMMUNITIES, INC. as Buyer. It is agreed as follows:

I. Section 4—CLOSING DATE AND LOCATION.

Line 38 shall be amended to provide a Closing Date of December 31, 2019.

II. Section 7(b)—PROPERTY CONDITION.

Line 126 shall be amended to provide a Due Diligence period of 120 days from the Effective Date of the Purchase and Sale Agreement, to wit, the Due Diligence period shall end on October 17, 2019.

Except as expressly modified by this Addendum, all other provisions of the Agreement remain unchanged.

SELLER:
CITY OF PANAMA CITY BEACH, FLORIDA

Mario Gisbert, City Manager

Date: _____

PURCHASER:
RECOVERY COMMUNITIES, INC.

By:
Its:

Date: _____

EXHIBIT A

REGULAR ITEM

5



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Community Redevelopment Agency (CRA)/David O. Campbell

2. MEETING DATE:

8/08/2019

3. REQUESTED MOTION/ACTION:

Approve Resolution setting CRA program priorities for FY 2020

4. AGENDA

- PRESENTATION
- PUBLIC HEARING
- CONSENT
- REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES NO N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

A public budget workshop was held on July 25, 2019 for a variety of City departments, during which an update on the financial condition and progress of the CRA was discussed with the City Council. During the discussion an updated Draft Near Term Work Plan for Fiscal Year 2020 was proposed. Staff was directed to move forward with the draft work plan and it is included within the resolution attached. By approving this resolution, CRA activities and priorities for FY 2019 can be memorialized and implemented.

RESOLUTION NO. 19-126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AND EX OFFICIO AS THE GOVERNING BODY OF THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY, RELATING TO COMMUNITY REDEVELOPMENT WITHIN THE FRONT BEACH ROAD REDEVELOPMENT AREA; PROVIDING FOR FINDINGS; AUTHORIZING AND DIRECTING THE EXECUTION OF A NEAR TERM WORK PLAN; DETERMINING THE NECESSITY OF CONTINUING THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY THROUGH THE COMPLETION OF THE 2002 FRONT BEACH ROAD REDEVELOPMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on July 25, 2019, the City Council acting in its capacity as the Panama City Beach Community Redevelopment Agency held a public workshop for the purpose of reviewing the current and proposed budgets for the Front Beach Road Community Redevelopment Agency, and to discuss and develop a consensus relating to the use and expenditure of currently available Front Beach Road Community Redevelopment Trust Fund monies; and

WHEREAS, by this resolution this City Council desires to articulate and memorialize its consensus and policy direction, and confirm the necessity of the Agency's continued existence.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AND EX OFFICIO AS THE GOVERNING BODY OF THE PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY, AS FOLLOWS:

SECTION 1. AUTHORITY. Pursuant to Article VIII, Section 29(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City of Panama City Beach (the "City") has all powers of local self-government to

perform municipal functions and render municipal services except when prohibited by law. Pursuant to Section 163.358, Florida Statutes, the City, acting ex officio as the Panama City Beach Community Redevelopment Agency (the "Agency"), has all the powers necessary or convenient to carry out and effectuate the purposes and provision of Part III of Chapter 163, Florida Statutes (the "Community Redevelopment Act").

SECTION 2. FINDINGS. It is ascertained, determined and declared as follows:

(A) The Front Beach Road Community Redevelopment Plan contains three, long term, primary objectives:

(1) Pedestrian, Parking and Transportation Improvements. This objective includes an enhanced and interconnected network of right of way and other infrastructure projects that focuses on improving pedestrian movement, overall parking needs along Front Beach Road, ingress/egress and evacuation routes along Front Beach Road and its major connectors, upgrading stormwater management along Front Beach Road, and undergrounding of utilities within the Redevelopment Area.

(2) Enhance Beach Access and Related Parking. This objective includes the enhancement of existing beach access points and the creation of new access points where warranted, and the provision of parking areas to support these access points throughout the corridor.

(3) Plan Funding and Financing. This objective includes the creation and maintenance of efficient, practical and equitable funding and financing to properly implement the Plan and its several projects, utilizing tax increment revenues, non-ad valorem assessment revenue, bonds, other public instruments, grants, public/private partnerships and other sources of funding.

(B) Activities previously authorized by the City Council in accordance with the last Work Plan adopted by Resolution 18-128 on August 9, 2018, and subsequently completed to advance the first, and third and to more limited degree the second, primary objectives include:

- (1) Continue management and CEI services for the CRA Front Beach Road Segment 2 project.
- (2) Continue management of Front Beach Road Segment 3 and Highway 79 re-design project and acquire FDEP permitting. Finalize necessary right-of-way acquisition.
- (3) Proceed with a Task Order to begin the design and construction plans for Segment 4.1 (Lullwater to Hill Road). Coordinate with FDOT to utilize the combined TRIP grant funding.
- (4) Coordinate with future developments for CRA right-of-way partnerships.
- (5) Manage CRA landscape maintenance contract.
- (6) Finalize the financial modeling of Front Beach Road CRA with Operations and Maintenance costs including:
 - Future Capital Costs
 - Future Maintenance Costs
 - Future Funding

- (7) Consider beach parking opportunities to compliment beach access points to include public/private parking partnerships.
 - (8) Continue exploring alternate roadway transit funding through government grants, loan programs, and public/private partnerships.
 - (9) Continue effort to evaluate local economic trends and available tax increment revenues to develop financing options and plans, including leveraging tax increment funds to procure additional bond financing.
- (C) The City Council, and ex officio as the governing body of the Panama City Beach Community Redevelopment Agency, at its budget workshop on July 25, 2019, considered the long term primary objectives of the Front Beach Road Redevelopment Plan, the currently authorized activities, the funds available and the uncertainty of future financing, and hereby re-confirms its direction and support for the long term and short term goals stated above and its previous authorizations for those activities intended to achieve those goals.
- (D) The July 25, 2019 workshop provided the City Council and public the opportunity to discuss and prioritize the activities and projects to be authorized and undertaken with current funds available and unencumbered for the remaining 2019 fiscal year and through fiscal year 2020.

SECTION 3. DIRECTION AND AUTHORITY TO EXECUTE A NEAR TERM WORK PLAN.

- (A) The City Manager and staff under his direction, including the Program Manager and City sub-consultants, are hereby directed and authorized to

budget or encumber, subject to final approval by the City Council, the available and unencumbered funds for fiscal years 2019 and 2020 necessary to undertake or carry out the following activities to advance the first, and third and to more limited degree the second primary CRA objectives, referred to as the "Near Term Work Plan:"

- (1) Continue to coordinate with Gulf Power and communication companies to complete installation of remaining underground lines (if any) and removal of remaining poles and aerial lines for Front Beach Road **Segment 2**.
- (2) Begin construction of Front Beach Road **Segment 3** and Highway 79.
- (3) Continue management of Front Beach Road design and construction plans for **Segment 4.1** (Lullwater to Hills Road). Coordinate with FDOT to utilize the combined TRIP grant funding. Acquire necessary right of way and advertise final construction plans for bid. Start of construction is anticipated in FY21.
- (4) Finalize the plans and advertise the bid for the **Alf Coleman Phase 1** Project to raise the roadway out of the floodplain and install FDOT funded sidewalks.
- (5) Coordinate with future developments for CRA right-of-way partnerships, specifically, but not limited to, **Powell Adams Road** where a development is planned at the intersection of Front Beach Road.
- (6) Continue coordination with FDOT to secure right of way agreements and right of way transfers beneficial to the City. Hold a workshop with City leaders and FDOT to discuss options.
- (7) Implement a street sweeping program for completed segments of the Front Beach Road CRA projects. This will [primarily] extend the life of the pavement, and [secondarily]

protect the functionality of the stormwater management system.

- (8) Manage CRA landscape maintenance contracts to include Segment 2 after 1-year maintenance period expires.
- (9) Consider beach parking opportunities to compliment beach access points to include public/private parking partnerships.
- (10) Coordinate with the Bay Town Trolley to offer transit opportunities along the completed Front Beach Road segments.
- (11) Continue exploring alternate roadway transit funding through government grants, loan programs and public/private partnerships.
- (12) Continue efforts to evaluate local economic trends and available increment revenues to develop financing options and plans, including leveraging tax increment funds to procure additional bond financing.

- (B) If current funds on hand shall appear insufficient to complete the Near Term Work Plan, the City Council reserves the duty to resolve conflicting priorities.

SECTION 4. CONTINUED EXISTENCE OF AGENCY NECESSARY.

Pursuant to Section 163.375591), Florida Statutes (2019), the City Council, as the governing body that created the Panama City Beach Community Redevelopment Agency, approves the continued existence of that Agency until the completion of the Roadways and Streetscapes initially contemplated in the 2002 Front Beach Road Redevelopment Plan, projected in part by the 2018 Capital Improvement Plan, and executed in part by the Near Term Work Plan which is the subject of the preceding sections of this Resolution. Staff is directed

to analyze and recommend whether circumstances and resources may require that the 2002 Front Beach Road Redevelopment Plan be amended or modified to extend its term.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage and adoption.

ADOPTED this _____ of _____.

**CITY COUNCIL OF PANAMA CITY BEACH,
FLORIDA, AND EX OFFICIO AS THE
GOVERNING BODY OF THE PANAMA CITY
BEACH COMMUNITY REDEVELOPMENT
AGENCY**

Mayor, and Ex Officio as Chair of the Agency

ATTEST:

City Clerk, and Ex Officio as
City Clerk to the Agency